THE
NORTHERN IRELAND LAW REPORTS

The Public General Statutes

PASSED BY THE PARLIAMENT OF

NORTHERN IRELAND

IN THE EIGHTEENTH AND NINETEENTH YEARS

OF THE REIGN OF HIS MAJESTY

KING GEORGE THE FIFTH

1928.

VOL. VIII.

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NORTHERN IRELAND

THE

Public General Acts of 1928

PASSED IN THE EIGHTEENTH AND NINETEENTH YEARS

OF THE REIGN OF HIS MAJESTY

KING GEORGE THE FIFTH

BEING THE

FOURTH SESSION OF THE SECOND PARLIAMENT

OF

NORTHERN IRELAND Laws, statutes, etc

TOGETHER WITH

THE LOCAL AND PRIVATE ACTS, AND TABLES OF THE TITLES, THE EFFECT OF THE YEAR'S LEGISLATION AND AN INDEX

BELFAST
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FOR
WILLIAM RICHARD CODLING, ESQ., C.B., C.V.O., C.B.E., THE OFFICER APPOINTED TO PRINT THE ACTS OF THE PARLIAMENT OF NORTHERN IRELAND

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TABLE I

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TABLE

OF

THE TITLES OF THE PUBLIC GENERAL ACTS OF 1928

being the Acts passed in the FOURTH SESSION of the SECOND PARLIAMENT OF NORTHERN IRELAND.

18 GEO. 5.—A.D. 1928.

18 & 19 GEO. 5.—A.D. 1928.

18 GEO. 5.

ROYAL ASSENT, 29TH MARCH, 1928.

1. An Act to apply certain Sums out of the Consolidated Fund of Northern Ireland to the service of the year ended on the thirty-first day of March, nineteen hundred and twenty-seven, and of the years ending on the thirty-first day of March, nineteen hundred and twenty-eight, and the thirty-first day of March, nineteen hundred and twenty-nine. (*Consolidated Fund*).

2. An Act to amend the Loans Guarantee Acts (Northern Ireland), 1922 to 1927, by extending the period within which the Ministry of Finance may give guarantees under the said Acts. (*Loans Guarantee.*)

ROYAL ASSENT, 17th APRIL, 1928.

3. An Act to amend the Unemployment Insurance Acts (Northern Ireland), 1920 to 1926. (*Unemployment Insurance.*)

18 & 19 GEO. 5.

ROYAL ASSENT, 4TH JUNE, 1928.

4. An Act to amend the provisions of the Constabulary Act (Northern Ireland), 1922, with respect to the distribution and the free quota of the Royal Ulster Constabulary ; to enable certain payments to be made towards the cost of the employment of the said Constabulary and the Special Constabulary in the county borough of Belfast ; and otherwise to amend the law with respect to Constabulary matters. (*Constabulary.*)

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ROYAL ASSENT, 4th JUNE, 1928—*(contd)*.

5. An Act to amend the law relating to children born out of wedlock. (*Legitimacy.*)

6. An Act to amend the law relating to perpetuities and accumulations, as respects certain benefit funds. [*Superannuation and other Trust Funds (Validation).*]

7. An Act to provide for and regulate the payment of expenses incurred by education authorities and committees in connection with membership and meetings of education associations. (*Educations Associations.*)

8. An Act to amend the Leases for Schools (Ireland) Act, 1881, and otherwise to make provisions for enabling certain leases and grants to be made for school purposes. (*School Sites.*)

9. An Act to grant a duty of Excise upon certain licences, and to amend the law relating to certain other duties of Excise and to stamp duty. (*Finance.*)

10. An Act to make further provision with respect to the compulsory acquisition of land for roads and streets, to confer further powers upon local authorities for the improvement of roads and streets, and for the prevention of danger to persons using the same and the relief of congestion of traffic, and for other purposes connected therewith. (*Roads Improvement.*)

11. An Act to provide for the application to Northern Ireland of such Act as may be passed in the present session of the Parliament of the United Kingdom for amending the National Health Insurance Act, 1924, and other enactments relating to health insurance, and otherwise to amend the law relating to health insurance as respects Northern Ireland. (*National Health Insurance.*)

12. An Act to apply a Sum out of the Consolidated Fund of Northern Ireland to the service of the year ending on the thirty-first day of March, nineteen hundred and twenty-nine, and to appropriate the Supplies granted in this Session of Parliament. (*Appropriation Act.*)

13. An Act to amend the Fisheries (Ireland) Acts, 1842 to 1921, to provide for the regulation of the sale of salmon, trout and eels, and to make further provision for the preservation of the fisheries in Northern Ireland. (*Fisheries.*)

14. An Act to amend the enactments which relate to the making of the appointments of Official Arbitrators, the Government Chemist, Auditors of Educational Endowments, and Officers for the purpose of obtaining probate or letters of administration in the case of small estates. (*Administrative Provisions.*)

15. An Act to extend the duration of the Civil Authorities (Special Powers) Act (Northern Ireland), 1922. [*Civil Authorities (Special Powers).*]

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ROYAL ASSENT, 18TH DECEMBER, 1928.

16. An Act to continue certain Expiring Laws as respects Northern Ireland. (*Expiring Laws Continuance.*)

17. An Act to provide for the maintenance of proper standards of quality in connection with the marketing of potatoes in certain cases, and for the licensing of persons engaged in such marketing; and for other purposes connected therewith. (*Marketing of Potatoes.*)

18. An Act to amend the provisions of the Local Government (Ireland) Act, 1898, with respect to the relief of exceptional distress. [*Poor Relief* (*Exceptional Distress*).]

19. An Act to prolong the duration of the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, in its application to dwelling-houses of which the rateable value does not exceed twenty-six pounds, and to mortgages comprising such dwelling-houses. [*Rent and Mortgage Interest* (*Restrictions*).]

20. An Act to amend the Loans Guarantee Acts (Northern Ireland), 1922 to 1928, by increasing the amount of loans which may be guaranteed under the said Acts and extending the period within which the Ministry of Finance may give guarantees thereunder. [*Loans Guarantee* (*No.* 2).]

21. An Act to make provision for the payment of additional grants to the Queen's University of Belfast, and for defraying certain expenses of the Agricultural Faculty of the said University, and to empower the governing body of the said University to borrow money. (*Queen's University of Belfast.*)

22. An Act to amend the Borough Funds (Ireland) Act, 1888. (*Borough Funds.*)

23. An Act to prolong the time for the operation of section one of the Housing Act (Northern Ireland), 1927. (*Housing.*)

ROYAL ASSENT, 4TH DECEMBER, 1928.

24. An Act to assimilate the franchises for men and women in respect of parliamentary and local government elections; to amend the law with respect to the parliamentary and local government franchises; and for purposes connected therewith. (*Representation of the People.*)

ROYAL ASSENT, 18TH DECEMBER, 1928.

25. An Act to make further provision for the preservation of game, and for the regulation of the sale of game, in Northern Ireland. (*Game Preservation.*)

26. An Act to provide for the establishment, maintenance and management of a fund for the payment of compensation to the owners of certain live stock, which are exported from Northern Ireland and slaughtered under the authority of law at a port in Great Britain in consequence of an outbreak, or suspected out-

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ROYAL ASSENT, 18TH DECEMBER, 1928—*(contd.)*.

break or apprehended danger, of foot and mouth disease; and to make provision for the method of investigating and determining claims for such compensation. [*Slaughtered Animals (Compensation)*.]

27. An Act to amend and extend the provisions of the Marketing of Eggs Acts (Northern Ireland), 1924 and 1926. (*Marketing of Eggs.*)

28. An Act to apply a Sum out of the Consolidated Fund of Northern Ireland to the service of the year ending on the thirty-first day of March, nineteen hundred and twenty-nine, and to appropriate the further Supplies granted in this Session of Parliament. [*Appropriation* (*No.* 2).]

29. An Act to grant a stamp duty upon certain bankers' licences, and to amend the law relating to stamp duty and a duty of Excise. [*Finance* (*No.* 2).]

30. An Act to make provision, with a view to the grant of relief from rates in respect of certain classes of hereditaments in Northern Ireland, for the distinction in valuation lists of the classes of hereditaments to be affected, and the apportionment in valuation lists of the net annual values of such hereditaments according to the extent of the user thereof for various purposes. [*Rating and Valuation* (*Apportionment*).]

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NORTHERN IRELAND.

THE PUBLIC GENERAL STATUTES OF 1928

[18 GEO. 5]

CHAPTER 1.

A.D. 1928.

An Act to apply certain Sums out of the Consolidated Fund of Northern Ireland to the service of the year ended on the thirty-first day of March, nineteen hundred and twenty-seven, and of the years ending on the thirty-first day of March, nineteen hundred and twenty-eight, and the thirty-first day of March, nineteen hundred and twenty-nine. [29th March, 1928.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, for the purpose of making good the supply which the House of Commons have, in pursuance of recommendations from the Governor of Northern Ireland, granted to His Majesty in this Session of Parliament, as follows :—

Issue of £2,800:11s6d out of the Consolidated Fund for the service of the year ended 31st March, 1927.

1. The Ministry of Finance may issue out of the Consolidated Fund of Northern Ireland, and apply towards making good the supply granted to His Majesty for the service of the year ended on the thirty-first day of March, nineteen hundred and twenty-seven, the sum of two thousand, eight hundred pounds, eleven shillings and sixpence.

Issue of £95,757 out of the Consolidated Fund for the service of the year ending 31st March, 1928.

2. The Ministry of Finance may issue out of the said Consolidated Fund, and apply towards making good the supply granted to His Majesty for the service of the year ending on the thirty-first day of March, nineteen hundred and twenty-eight, the sum of ninety-five thousand, seven hundred and fifty-seven pounds.

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A.D. 1928.

Issue of £1,896,150 out of the Consolidated Fund for the service of the year ending 31st March, 1929.

3. The Ministry of Finance may issue out of the said Consolidated Fund, and apply towards making good the supply granted to His Majesty for the service of the year ending on the thirty-first day of March, nineteen hundred and twenty-nine, the sum of one million, eight hundred and ninety-six thousand, one hundred and fifty pounds.

Power for the Ministry of Finance to borrow.

4.—(1) The Ministry of Finance may borrow from any person, by the issue of Treasury Bills or otherwise, on the credit of the aforesaid sums, any sum or sums not exceeding in the whole one million pounds.

(2) The date of payment of any Treasury Bills issued under this section shall be a date not later than the thirty-first day of March, nineteen hundred and twenty-nine, and section six of the Treasury Bills Act, 1877 (which relates to the renewal of bills) shall not apply with respect to those Bills.

40 & 41 Vict, c. 2.

(3) Any money borrowed otherwise than on Treasury Bills shall be repaid, with any interest due thereon, out of the growing produce of the said Consolidated Fund at any date not later than the quarter next succeeding to that in which the money was borrowed.

(4) Any money borrowed under this section shall be placed to the credit of the account of the Exchequer of Northern Ireland, and shall form part of the said Consolidated Fund, and be available in any manner in which such Fund is available.

Short title.

5. This Act may be cited as the Consolidated Fund Act (Northern Ireland), 1928.

CHAPTER 2.

An Act to amend the Loans Guarantee Acts (Northern Ireland), 1922 to 1927, by extending the period within which the Ministry of Finance may give guarantees under the said Acts.

[29th March, 1928.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

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A.D. 1928.

Extension of period for giving of guarantees. 12&13 Geo. 5 c. 24.

1. The power of the Ministry of Finance to give guarantees in respect of loans, under section one of the Loans Guarantee Act (Northern Ireland), 1922, as amended by subsequent enactments of the Loans Guarantee Acts (Northern Ireland), 1922 to 1927, may be exercised at any time up to and including the thirty-first day of March, nineteen hundred and twenty-nine.

Short title and citation.

2. This Act may be cited as the Loans Guarantee Act (Northern Ireland), 1928, and the Loans Guarantee Acts (Northern Ireland), 1922 to 1927, and this Act may be cited together as the Loans Guarantee Acts (Northern Ireland), 1922 to 1928.

CHAPTER 3.

An Act to amend the Unemployment Insurance Acts (Northern Ireland), 1920 to 1926.

[17th April, 1928.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows :—

Rights of insured persons to benefit.

1. An insured contributor who is unemployed shall, if he proves that the statutory conditions are fulfilled in his case and if he is not disqualified under the Unemployment Insurance Acts for the receipt of benefit, be entitled, subject to the provisions of those Acts, to receive benefit.

Rates of contribution in case of young men and young women.

2.—(1) The following provisions shall have effect with respect to the contributions payable under the Unemployment Insurance Acts in respect of employed persons who have attained the age of eighteen years but have not attained the age of twenty-one years (in this Act referred to as "young men and young women") :—

(*a*) As from and after the second day of July, nineteen hundred and twenty-eight, until the expiration of the extended period the contributions payable as aforesaid by young men and young

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A.D. 1928.

women and their employers shall be at the respective rates set out in the First Schedule to this Act;

(*b*) As from and after the second day of July, nineteen hundred and twenty-eight, until the expiration of the extended period, the rates of contribution on which the amount of the contribution payable under the Unemployment Insurance Acts out of moneys provided by Parliament is to be calculated, shall, so far as relates to young men and young women, be the rates set out in the Second Schedule to this Act instead of the rates applicable to men and women under the Second Schedule to the Economy (Exchequer Relief) Act (Northern Ireland), 1926, as amended by this Act;

16 & 17 Geo. 5, c. 11.

(*c*) In paragraph (*d*) of sub-section (1) of section three of the Unemployment Insurance Act (Northern Ireland), 1925, after the words "or a woman" there shall be inserted the words "or a young man or a young woman."

15 & 16 Geo. 5, c. 22.

(2) In this section the expression "extended period" means the aggregate of the two following periods, as certified or prescribed under and subject to the provisions of the Unemployment Insurance Acts, that is to say:—

(i) The period (in the said Acts and in this Act referred to as "the deficiency period") ending on such date as the Ministry of Finance may certify to be the date on which the unemployment fund is, in the opinion of that Ministry, solvent;

(ii) The further period after the deficiency period ending on such date as the Ministry may prescribe, not being later than the first day of the insurance year commencing next after the end of the deficiency period.

(3) Nothing in this section shall be taken to prejudice the operation of section fifteen or section sixteen of the principal Act (which provide, respectively, for securing the solvency of the unemployment fund, and for a periodical revision of the rates of contribution).

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Periodical investigation into condition of unemployment fund.

3. The Minister shall once at least in every five years, and if he thinks proper so to do may at shorter intervals, cause an investigation to be made, in such manner as the Ministry of Finance may approve, into the financial condition of the unemployment fund, and the Minister shall cause to be laid before Parliament a report of any investigation made under this section.

Rates of unemployment benefit.

4.—(1) As from the commencement of this Act benefit shall, subject to the provisions of this section, be at the weekly rates set out in the Third Schedule to this Act:

Provided that—

(*a*) young men and young women who are in receipt of an increase of benefit in respect of dependants; and

(*b*) during the period between the commencement of this Act and the fifth day of July, nineteen hundred and twenty-eight, young men and young women (whether in receipt of such an increase or not);

shall be entitled to benefit at the same rate as persons who have attained the age of twenty-one years.

(2) Where a person entitled to benefit proves—

(*a*) in the case of a married man, that his wife is living with him or is being maintained wholly or mainly by him; or

(*b*) in the case of a married woman, that her husband is dependent on her; or

(*c*) that he or she has residing with him or her, and is wholly or mainly maintaining, a female person who has the care of the dependent children of the person entitled to benefit; or

(*d*) that he or she has living with him or her, and is wholly or mainly maintaining, his or her widowed mother, widowed stepmother, mother who has never been married or mother whose husband is permanently disabled and unable to work;

the weekly rate of benefit shall be increased by a sum of seven shillings, and where the person entitled to

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benefit has dependent children the weekly rate of benefit shall be increased by two shillings in respect of each such child:

Provided that—

(i) a person shall not be entitled to receive more than one increase of seven shillings notwithstanding that he gives proof under two or more of the foregoing paragraphs (*a*), (*b*), (*c*) and (*d*), or gives proof thereunder with respect to two or more persons;

(ii) a person shall not be entitled to have the weekly rate of benefit increased in respect of any week by reason of proving any matter under paragraphs (*a*), (*c*) or (*d*) aforesaid with respect to any person if that person is in receipt of benefit, including benefit under any special scheme, or is in regular wage-earning employment, otherwise than as having the care of the dependent children of the person entitled to benefit, or is engaged in any occupation ordinarily carried on for profit.

(3) If any question arises as to whether any addition ought to be made under this section to the weekly rate of benefit of any person, that question shall be determined in the same manner as a claim for benefit.

(4) For the purposes of this section—

(i) the expression "dependent children" means children under the age of fourteen years who are maintained wholly or mainly by the person entitled to benefit, or children between the ages of fourteen and sixteen years under full time instruction in a day school who are so maintained as aforesaid;

(ii) the expression "children" includes step-children, adopted children and illegitimate children;

(iii) a husband shall be deemed to be dependent on his wife if he is prevented by physical or mental infirmity from supporting himself

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and is being maintained wholly or mainly by her;

Amendment as to statutory conditions for receipt of benefit.

5. The following section shall be substituted for section seven of the principal Act:—

"**7.**—(1) The statutory conditions for the receipt of unemployment benefit by a person insured under this Act (in this Act referred to as "an insured contributor") are—

(i) That not less than thirty contributions have been paid in respect of him as an insured contributor in respect of the two years immediately preceding the date on which application for benefit is made;

(ii) that he has made application for benefit in the prescribed manner, and proves that since the date of the application he has been continuously unemployed;

(iii) that he is capable of and available for work;

(iv) that he is genuinely seeking work but unable to obtain suitable employment;

(v) that, if he has been required by an insurance officer, in pursuance of regulations made under this Act by the Ministry after consultation with the Ministry of Education, to attend at any course of instruction approved for the purposes of this provision under the regulations so made, he proves that he duly attended in accordance with the requirement;

(vi) that he has, except as may be otherwise prescribed by regulations made under this Act, been resident in the United Kingdom for a period of three years immediately preceding the date on which application for benefit is made:

Provided that a person shall not be deemed to have failed to fulfil the statutory conditions by reason only that he has declined—

(*a*) an offer of employment in a situation vacant in consequence of a stoppage of work due to a trade dispute; or

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"(*b*) an offer of employment in his usual occupation in the district where he was last ordinarily employed at a rate of wage lower, or on conditions less favourable, than those which he might reasonably have expected to obtain having regard to those which he habitually obtained in his usual occupation in that district, or would have obtained had he continued to be so employed; or

(*c*) an offer of employment in his usual occupation in any other district at a rate of wage lower, or on conditions less favourable, than those generally observed in that district by agreement between associations of employers and of employees, or, failing any such agreement, than those generally recognised in that district by good employers.

(2) The following provisions shall have effect in relation to the said statutory conditions:—

(i) in calculating the said thirty contributions no account shall be taken of any contributions paid in respect of any person in respect of any period during which he was not bonâ fide employed;

(ii) after the lapse of such an interval from the date on which an insured contributor becomes unemployed as, in the circumstances of the case, is reasonable, employment shall not be deemed to be unsuitable by reason only that it is employment of a kind other than employment in the usual occupation of the insured contributor, if it is employment at a rate of wage not lower, and on conditions not less favourable than those generally observed by agreement between associations of employers and of employees or, failing any such agreement, than those generally recognised by good employers.

(3) The question whether the first statutory condition continues to be fulfilled in the case of any

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"insured contributor shall be reviewed at the beginning of each of the second, third and fourth benefit quarters, and if either at the beginning of any benefit quarter or at any time during the second, third or fourth benefit quarter it is determined that the first statutory condition is fulfilled in the case of any insured contributor, that condition shall be deemed to continue to be fulfilled in the case of that contributor until the beginning of the next following benefit quarter or until the end of the benefit year, whichever is the earlier.

(4) If an insured contributor proves in the prescribed manner that he was during any periods, falling within the period of two years mentioned in the first statutory condition, incapacitated for work by reason of some specific disease or by bodily or mental disablement, the said condition shall have effect as if for the said period of two years there were substituted a period of two years increased by the said periods of incapacity, but so as not to exceed in any case four years.

(5) If an insured contributor who is, or who has at any time during the two years immediately preceding the date of an application for benefit been, in receipt of a pension paid out of moneys provided by the Parliament of the United Kingdom in respect of a disability contracted by him during the late war proves that the non-fulfilment in his case of the first statutory condition is due to that disability he shall, if he proves that not less than ten contributions were paid in respect of him as an insured contributor during the said period of two years, be treated for all the purposes of the Unemployment Insurance Acts as if he had proved that that condition was fulfilled in his case.

(6) Where it is determined that an insured contributor has not fulfilled the third or the fourth statutory condition, he shall not be entitled to require that his application (or any renewed application) for benefit shall be reviewed, except at intervals of not less than six weeks.

(7) For the purposes of this Act a person shall not be deemed to be unemployed on any day on which he is following any occupation from which he derives

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"any remuneration or profit, unless that occupation could ordinarily have been followed by him in addition to his usual employment and outside the ordinary working hours of that employment, and the remuneration or profit received therefrom in respect of that day does not exceed three shillings and fourpence, or, where the remuneration or profit is payable or is earned in respect of a period longer than a day, the remuneration or profit does not on the daily average exceed that amount.

(8) Notwithstanding that the employment of an insured contributor has terminated, he shall not be deemed, for the purposes of the provisions of this Act relating to benefit, to be unemployed, during a period in respect of which he continues to receive wages, or receives any payment by way of compensation for the loss of, and substantially equivalent to, the remuneration which he would have received if the employment had not terminated."

Amendment as to disqualifications for receipt of benefit.

6. The following sub-section shall be substituted for sub-section (1) of section eight of the principal Act :—

"(1) An insured contributor who has lost employment by reason of a stoppage of work which was due to a trade dispute at the factory, workshop or other premises at which he was employed shall be disqualified for receiving unemployment benefit so long as the stoppage of work continues, except—

(*a*) in a case where he has, during the stoppage of work, become bonâfide employed elsewhere in the occupation which he usually follows or has become regularly engaged in some other occupation ; or

(*b*) in a case where he proves that he is not participating in or financing or directly interested in the trade dispute which caused the stoppage of work, and that he does not belong to a grade or class of workers of which, immediately before the commencement of the stoppage, there were members employed at the premises at which the stoppage is taking place, any of whom are participating in or financing or directly interested in the dispute.

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"Where separate branches of work which are commonly carried on as separate businesses in separate premises are in any case carried on in separate departments on the same premises, each of those departments shall, for the purpose of this provision, be deemed to be a separate factory or workshop or separate premises, as the case may be."

Amendment as to meaning of continuous period of unemployment.

7. Any three days of unemployment, whether consecutive or not, within a period of six consecutive days, shall be treated as a continuous period of unemployment, and any two such continuous periods separated by a period of not more than ten weeks shall be treated as one continuous period of unemployment; and the expression "continuously employed" shall be construed accordingly.

Power to make grants out of unemployment fund towards cost of approved courses of instruction.

8.—(1) Subject to the provisions of this section the Minister may, with the consent of the Ministry of Finance, authorise the payment out of the unemployment fund of grants towards expenses incurred in respect of the attendances at approved courses of instruction of the persons to whom this section applies.

(2) This section applies to persons who have attained the age of sixteen years and are under the age of eighteen years and either--

(*a*) are insured persons required by the insurance officer to attend such courses; or

(*b*) not being persons so required are, in the opinion of the Minister, persons normally employed, or likely to be employed, in an insurable occupation.

(3) Grants under this section shall not exceed fifty per cent. of any amount which may be paid in respect of the attendances in question out of the moneys provided by Parliament.

(4) All sums paid out of the unemployment fund under this section shall be applied as an appropriation in aid of moneys provided by Parliament for the expenses of the Ministry, and the provisions of this sub-section shall be in addition to and not in derogation of the enactments which enable a portion of the receipts of the unemployment fund to be applied as such appropriation,

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12 & 13 Geo. 5, c. 7

namely, section twelve of the principal Act, as amended by section seven of the Unemployment Insurance Act (Northern Ireland), 1922.

(5) In this section the expression "approved" means approved for the purposes of paragraph (v) of sub-section (1) of section seven of the principal Act.

Amendment of s. 17 of principal Act.

9.—(1) Section seventeen of the principal Act shall, as from the first day of January, nineteen hundred and twenty-nine, be amended as follows:—

(i) The following sub-section shall be substituted for sub-section (1):—

"(1) Subject as hereinafter provided, the Ministry may, on the application of any society approved under the National Health Insurance Act, 1924, or body ancillary thereto, or any other association of employed persons (other than any such society, body or association being an industrial assurance company or a collecting society, or a separate section of such company or society, or a society organised by such company or society solely or jointly with other bodies), being a society or other association the rules of which provide for payments to its members, or any class thereof, while unemployed, make an arrangement with the society or other association that, in lieu of paying unemployment benefit under this Act to persons who prove that they are members of the society or other association, there shall be repaid periodically to the society or other association out of the unemployment fund such sum as appears to be, as nearly as may be, equivalent to the aggregate amount which those persons would have been entitled to receive during that period by way of unemployment benefit under this Act if no such arrangement had been made:

14 & 15 Geo. 5, c. 38.

Provided that the Ministry shall not make or continue an arrangement with a society or other association under this section—

(*a*) unless the Ministry is satisfied that under the rules of the society or other association—

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"(i) the payments thereby authorised represent a provision for unemployment which exceeds the provision represented by unemployment benefit at the rate payable under this Act by at least three shillings per week in the case of men of the age of twenty-one years or upwards, two shillings and sixpence per week in the case of women of that age, one shilling and sixpence per week in the case of young men and boys and one shilling and threepence per week in the case of young women and girls; and

(ii) the aggregate amount of the excess payable in a year is at least seventy-five shillings in the case of men of the age of twenty-one years or upwards, sixty shillings in the case of women of that age, thirty-seven shillings and sixpence in the case of young men and boys and thirty shillings in the case of young women and girls; and

(iii) the excess is payable in at least ten weeks in the year; and

(iv) the excess will, subject to the prescribed exceptions and to the limitation of the period for which provision for unemployment is under the rules payable to members of the society or association, be payable on each occasion on which a member of the society or association would be entitled to receive unemployment benefit if the arrangement had not been made;

(*b*) unless the society or association has such a system of ascertaining the wages and conditions prevailing in every employment within the meaning of this Act in which its members are engaged, and of obtaining from employers notification of vacancies for employment, and giving notice thereof to its members when unemployed, as is in the opinion of the Ministry reasonably effective for securing that

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"unemployed persons competent to undertake the particular class of work required, shall, with all practicable speed, be brought into communication with employers having vacancies to fill."

(ii) After sub-section (1) there shall be inserted the following new sub-section:—

"(1A) Such an arrangement as aforesaid shall not, subject to any prescribed exceptions, apply to a member of the society or other association during any period in respect of which he is not under the rules of the society or association entitled to the excess payment mentioned in the foregoing provisions of this section."

(2) Notwithstanding anything in any Act, it shall not be necessary for the Ministry at any time before the first day of January, nineteen hundred and twenty-nine, to require any society or other association to make, for the purposes of proviso (*a*) to sub-section (1) of section seventeen of the principal Act, any greater provision for benefit than would have been required to be made for those purposes under the principal Act as originally enacted.

11 & 12 Geo. 5, c. 15.

(3) Section twelve of the Unemployment Insurance (No. 2) Act, 1921, shall cease to have effect as from the first day of January, nineteen hundred and twenty-nine.

Abolition of power to make special schemes.

10. The power of the Ministry under section eighteen of the principal Act to make special orders approving or making special schemes shall cease:

Provided that nothing in this section shall affect the operation of any scheme approved under the said section before the commencement of this Act or the power of the Ministry under sub-section (9) of the said section to vary or amend the scheme so approved.

Taking of evidence on oath at statutory inquiries.

11. Where under any provisions of the Unemployment Insurance Acts or any regulations made thereunder, the Ministry is required or authorised to hold, or to appoint any person to hold, an inquiry, the witnesses shall, if the Ministry thinks fit or any one of the parties so demands, be examined on oath, and the person who holds the inquiry shall have power to administer oaths for the purpose.

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Amendment of s. 3 of principal Act as to exemptions.

12. Where any employed person proves that he is a person who is employed in an occupation which is of a seasonal nature and does not ordinarily extend over more than eighteen weeks in any year and who is not ordinarily employed in any other occupation, employment in which would make him an employed person within the meaning of the Unemployment Insurance Acts, he shall be entitled to a certificate exempting him from liability to become or to continue to be insured under the said Acts; and section three of the principal Act shall have effect accordingly.

Amendments as to the determination of claims.

13. Section eleven of the principal Act shall be amended as follows:—

(i) The said section shall, as from the expiration of three months from the commencement of this Act, have effect as though sub-section (4) were omitted therefrom and as though the following sub-sections were inserted after sub-section (2):—

"(2A) Where an insured contributor has, during such period (not in any case exceeding six months) as may be prescribed, received benefit for periods amounting in the aggregate to thirteen weeks, the claim of that insured contributor to benefit shall, notwithstanding anything in this section, be reviewed by the court of referees, and the court shall make a recommendation to the insurance officer with respect to the claim as if it had been referred to the court by the insurance officer:

Provided that the insurance officer may, pending the making of a recommendation by the court of referees, give an interim determination with respect to the claim, so, however, that benefit shall not be paid under any such determination for more than six weeks.

(2B) The insurance officer may, in any case in which he considers it expedient so to do, instead of himself determining any question, refer it to a court of referees."

(ii) The following sub-section shall be substituted for sub-section (5) of the said section:—

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"Where a recommendation has been made under this section, in the case of any person, by a court of referees, any association of employed persons of which that person is a member, and with the leave of the court that person, may require the insurance officer to refer the matter to the umpire, and the insurance officer if so required shall refer the matter to the umpire accordingly. The court of referees shall give leave under this sub-section in any case in which it appears to the court reasonable so to do having regard to the importance of the principle involved in the case or any other special circumstances."

(iii) In sub-section (8) of the said section after the words "where upon" there shall be inserted the words "an interim determination by an insurance officer, or upon."

Amendments of s. 22 of principal Act as to recovery of contributions and offences.

14. The following sub-sections shall be substituted for sub-sections (3) and (4) of section twenty-two of the principal Act:—

"(3) Where an employer has been convicted under the foregoing provisions of this section of the offence of failing or neglecting to pay any contribution under this Act, he shall be liable to pay to the unemployment fund a sum equal to the amount which he has so failed or neglected to pay, and on such a conviction, if notice of the intention to do so has been served with the summons or warrant, evidence may be given of the failure or neglect on the part of the employer to pay other contributions in respect of the same person during the two years preceding the date of the offence, and on proof of such failure or neglect the employer shall be liable to pay to the unemployment fund a sum equal to the total of all the contributions which he is so proved to have failed or neglected to pay.

Any sum ordered by a court to be paid to the unemployment fund under the foregoing provision shall be recoverable as a penalty.

Any sum paid by an employer under the foregoing provision shall be treated as a payment in satis-

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"faction of the unpaid contributions, and the employed person's portion of those contributions shall not be recoverable by the employer from the employed person.

If the employer, being a company, fails to pay to the unemployment fund any sum which it has been ordered to pay under this sub-section, that sum, or such part thereof as remains unpaid, shall be a debt due, as from the date of the order for payment, to the unemployment fund jointly and severally from any directors of the company who knew, or could reasonably be expected to have known, of the failure or neglect to pay the contribution or contributions in question.

(4) Every person who buys, sells, or offers for sale, takes or gives in exchange, or pawns or takes in pawn, any unemployment card, unemployment book, or used unemployment insurance stamp, shall be liable on summary conviction to a fine not exceeding twenty pounds, or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment, and in any proceedings under the foregoing provisions with respect to used stamps, a stamp shall be deemed to have been used if it has been cancelled or defaced in any way whatever, and whether it has been actually used for the purpose of payment of a contribution or not."

Amendment of s. 47 of principal Act.

15.—(1) Where, in consequence of an arrangement made by a poor law authority, a person is engaged in work provided by a local authority, he shall not, if a contribution towards his remuneration is made by the poor law authority, be deemed to be an employed person within the meaning of the Unemployment Insurance Acts:

Provided that this provision shall not apply in the case of any person who has previously been in receipt of benefit, and is employed in full-time work provided by the local authority.

(2) For the purpose of this section, a person shall not be deemed to have been employed in full-time work, unless he has worked for such number of hours in each week as would normally have been worked by him had

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he been employed on the same work otherwise than under an arrangement made by a poor law authority.

Provisions as to insurance stamps.

16. Unemployment insurance stamps shall be prepared and issued in such manner as the Ministry, with the consent of the Ministry of Finance, may direct, and the Ministry may make regulations applying, with the necessary adaptations as respects unemployment insurance stamps, all or any of the provisions (including penal provisions) of the Stamp Duties Management Act, 1891, and section nine of the Stamp Act, 1891, as amended by or in pursuance of any subsequent enactment, and section sixty-five of the Post Office Act, 1908:

54 & 55 Vict., c. 38.
54 & 55 Vict., c. 39.
8 Edw. 7. c. 48.

Provided that nothing in this section shall prejudice the making of any arrangement under section sixty-three of the Government of Ireland Act, 1920, for the exercise and performance by the Postmaster-General and his officers, on behalf of the Ministry, of the powers and duties of the Ministry under this section.

10 & 11 Geo. 5, c. 67.

Amendment as to rates of contribution out of moneys provided by Parliament.

17. The rates of contribution, on which the amount of the contributions payable under the Unemployment Insurance Acts out of moneys provided by Parliament is to be calculated, shall, so far as relates to exempt persons, be as follows:—

	s.	d.
In respect of a man ..	0	$2\frac{1}{2}$
In respect of a woman ..	0	$2\frac{1}{4}$
In respect of a boy ..	0	$1\frac{1}{4}$
In respect of a girl ..	0	$1\frac{1}{8}$

and, accordingly, sub-section (1) of section eight of the Economy (Exchequer Relief) Act (Northern Ireland), 1926, shall have effect and shall be deemed to have had effect as from the first day of January, nineteen hundred and twenty-eight, as if the rates hereinbefore set forth were substituted for the rates applicable to exempt persons under the Second Schedule to the said Act.

Transitional provisions.

18.—(1) In the case of a person who immediately before the commencement of this Act satisfied the requirements for the receipt of benefit under section one of the Unemployment Insurance (No. 2) Act (Northern Ireland), 1924, benefit may, during such period as may be necessary for the examination of the qualifications of that person for the receipt of benefit under this Act,

14 & 15 Geo. 5, c. 25

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but not in any case after the expiration of six months from the commencement of this Act, be paid to him as if this Act had not passed.

(2) If at any time within twelve months after the commencement of this Act an insured contributor who has attained the age of eighteen years, but in whose case the first statutory condition is not fulfilled, makes an application for benefit and in addition to proving that the statutory conditions (other than the first such condition) are fulfilled in his case, also proves—

(*a*) that not less than eight contributions were paid in respect of him as an insured contributor during the period of two years immediately preceding the date of the application for benefit, or that not less than thirty contributions have at any time been paid in respect of him as an insured contributor; and

(*b*) that he is normally employed in such employment as would make him an employed person within the meaning of the principal Act (in this Act referred to as "insurable employment") and that he will normally seek to obtain his livelihood by means of insurable employment; and

(*c*) that he has, during the two years immediately preceding the date of the application for benefit, been employed in an insurable employment to such an extent as was reasonable, having regard to all the circumstances of the case and in particular to the opportunities for obtaining insurable employment during that period,

he shall, notwithstanding that the first statutory condition is not fulfilled in his case, be treated for all the purposes of the Unemployment Insurance Acts as if he had proved that the first such condition was fulfilled in his case, and shall continue to be so treated throughout any benefit year which is current in or commences within the period of twelve months from the commencement of this Act, and references in sub-sections (3), (4) and (5) of section seven of the principal Act, as amended by this Act, to the first statutory condition shall be deemed to include a reference to the conditions contained in paragraphs (*a*), (*b*) and (*c*) of this sub-section:

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Provided that paragraph (*a*) of this sub-section shall not apply in the case of a person who is, or has at any time during the two years immediately preceding the date of the application for benefit been, in receipt of a pension paid out of moneys provided by the Parliament of the United Kingdom in respect of a disability contracted during the late war, if he proves that the non-fulfilment in his case of the condition contained in the said paragraph (*a*) was due to that disability.

In the case of any person formerly engaged in war service, the undergoing of training for an insurable occupation shall, where the cost of the training is defrayed out of funds administered by the Minister of Labour for Great Britain, or by the Minister of Pensions, be treated for the purposes of paragraph (*c*) of this sub-section as employment in insurable employment.

In the foregoing provision the expression "person formerly engaged in war service," has the same meaning as in the Unemployment Insurance Act (Northern Ireland), 1922.

(3) A benefit year which at the commencement of this Act is current in the case of any insured contributor shall, notwithstanding anything in this Act, continue until the date on which it would have expired if this Act had not passed

Minor amendments.

19. The amendments specified in the second column of the Fourth Schedule to this Act, being minor amendments of the principal Act, and of enactments amending that Act, shall be made in the provisions of that Act or those enactments specified in the first column of that Schedule.

Interpretation, repeal, short title and commencement.

20.—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"Benefit" means unemployment benefit:

"Benefit year" means in relation to any insured contributor a period of twelve months commencing on the date on which that contributor, having made an application for benefit, proves for the first time, either after the commencement of this Act, or after the termination of his last

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preceding benefit year, as the case may be, that the first statutory condition is fulfilled in his case:

"Benefit quarter" means a period consisting of either the first, second, third or fourth period of three months in a benefit year:

"Insured contributor" means a person insured under the principal Act:

"The Minister" means the Minister of Labour for Northern Ireland, and "the Ministry" means the Ministry of Labour for Northern Ireland:

"The unemployment fund" means the Northern Irish unemployment fund:

"The principal Act" means the Unemployment Insurance Act, 1920: 10 & 11 Geo. 5, c. 30.

"The Unemployment Insurance Acts" means the Unemployment Insurance Acts (Northern Ireland), 1920 to 1926.

(2) References in this Act to enactments of the Parliament of the United Kingdom shall be construed as references to those enactments as they apply in Northern Ireland.

(3) The enactments set out in the Fifth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule as from the dates on which the corresponding provisions of this Act respectively come into operation.

(4) This Act may be cited as the Unemployment Insurance Act (Northern Ireland), 1928, and shall be construed as one with the Unemployment Insurance Acts, and those Acts and this Act may be cited together as the Unemployment Insurance Acts (Northern Ireland), 1920 to 1928, and any reference in this Act to the Unemployment Insurance Acts, or to any of those Acts or to any provision in any of those Acts shall, unless the context otherwise requires, be construed as a reference to those Acts, that Act or that provision in that Act, as the case may be, as amended by this Act.

(5) This Act shall, except as otherwise expressly provided, come into operation on the nineteenth day of April, nineteen hundred and twenty-eight.

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16 & 17 Geo. 5, c. 18

17 & 18 Geo. 5, c. 14

(6) The Unemployment Insurance Act (Northern Ireland), 1926 shall continue in force until the date of the commencement of this Act and shall then expire, notwithstanding anything in the Expiring Laws Continuance Act (Northern Ireland), 1927.

SCHEDULES.

Section 2 (1).

FIRST SCHEDULE.

RATES OF CONTRIBUTIONS IN CASE OF YOUNG MEN AND YOUNG WOMEN.

From the employed person for each week—	
In the case of young men – – – –	6*d.*
In the case of young women – – – –	5*d.*
From the employer for each week—	
In the case of young men – – – –	7*d.*
In the case of young women – – – –	6*d.*

Section 2 (1).

SECOND SCHEDULE.

RATES ON WHICH, SO FAR AS RELATES TO YOUNG MEN AND YOUNG WOMEN, THE CONTRIBUTION PAYABLE OUT OF MONEYS PROVIDED BY PARLIAMENT IS TO BE CALCULATED.

Insured Contributors.

In the case of a young man – – – – –	5¼*d.*
In the case of a young woman – – – –	3¾*d.*

Exempt Persons.

In the case of a young man, being an exempt person	2¼*d.*
In the case of a young woman, being an exempt person – – – – – – – –	2*d.*

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Section 4.

THIRD SCHEDULE.

WEEKLY RATES OF UNEMPLOYMENT BENEFIT.

Class of persons to whom rate applies.	Rate of benefit. s.	d.
1. PERSONS OF THE AGE OF 21 YEARS AND UPWARDS—		
Men	17	0
Women	15	0
2. PERSONS WHO HAVE ATTAINED THE AGE OF 20 YEARS BUT ARE UNDER THE AGE OF 21 YEARS—		
Young men	14	0
Young women	12	0
3. PERSONS WHO HAVE ATTAINED THE AGE OF 19 YEARS BUT ARE UNDER THE AGE OF 20 YEARS—		
Young men	12	0
Young women	10	0
4. PERSONS WHO HAVE ATTAINED THE AGE OF 18 YEARS BUT ARE UNDER THE AGE OF 19 YEARS—		
Young men	10	0
Young women	8	0
5. PERSONS WHO HAVE ATTAINED THE AGE OF 16 YEARS BUT ARE UNDER THE AGE OF 18 YEARS—		
Boys	6	0
Girls	5	0

FOURTH SCHEDULE.

Section 19.

MINOR AMENDMENTS.

Enactment to be amended.	Amendment.
The Unemployment Insurance Act, 1920:	
Section 4	For the words "by order" in sub-section (1) there shall be substituted the words "by special order," and sub-section (2) shall cease to have effect.
Section 5	In sub-section (7) the words from "and "regulations made" to "provisions of "this Act," both inclusive, shall cease to have effect.

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4TH SCH. —*contd.*

Enactment to be amended.	Amendment.
The Unemployment Insurance Act, 1920 —*contd.*	
Section 8 - -	Sub-section (4) shall cease to have effect.
Section 23 - -	In sub-section (2) for the words "six months" there shall be substituted the words "twelve months."
Section 24 - -	In sub-section (1) for the words "from the employer as a civil debt" there shall be substituted the words "or in the county court by civil bill as a debt due from the employer."
Section 26 - -	In sub-sections (1) and (5) the words "twelve months" shall be substituted for the words "four months."
Section 30 - -	For the words "who would in the opinion "of the Ministry be entitled to receive "or to continue to receive unemployment "benefit if he became or remained unemployed" there shall be substituted the words "in whose case the first statutory "condition is fulfilled."
First Schedule :	
Part II. - -	The following paragraph shall be substituted for paragraph (*d*) :— "Employment— (i) Under any Government department (including any department or office declared by a Minister of the Crown to be under his ultimate control) or public or local authority ; or (ii) in the service of any railway company, or a joint committee of two or more such companies ; or (iii) in the service of any public utility company, that is to say, any company carrying on any undertaking for the supply of gas, water, hydraulic power or electricity, any dock or canal undertaking, or any tramway undertaking, including a light railway constructed wholly or mainly on a public road ; or

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Enactment to be amended.	Amendment.
The Unemployment Insurance Act, 1920 —*contd.* First Schedule: Part II.—*contd.*	– "(iv) in which the persons employed are entitled to rights in a superannuation fund established by or in pursuance of an Act of Parliament for the benefit of persons in that employment,

where the Ministry certifies that the employment is, in its opinion, having regard to the normal practice of the employer, permanent in character, that the employed person has completed three years' service in the employment, and that the other circumstances of the employment in the opinion of the Ministry make it unnecessary that he should be insured under this Act:

Provided that in the case of employment under a public or local authority the Ministry may, if any enactment relating to the superannuation of persons in that employment provides for the aggregation of service in that employment under two or more employers, whether the service has been continuous or not, treat such service for the purposes of the foregoing provision as if it had been service in the same employment, and where a person serving under any employer in employment which is excepted under this paragraph ceases to serve under that employer and on so ceasing enters other employment which is so excepted, he shall, on entering the new employment, be treated for the purpose of the power of the Ministry to certify under this paragraph as if he had completed three years' service in the new employment."

This provision shall be without prejudice to the operation of any certificate granted before the commencement of this Act under the said paragraph (*d*).

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4TH SCH. —*contd.*

Enactment to be amended.	Amendment.
The Unemployment Insurance Act (Northern Ireland), 1922 : Section 14 – –	In sub-section (1) after the words "relief to" there shall be inserted the words "or on account of."
The Unemployment Insurance (No. 2) Act (Northern Ireland) 1924 : First Schedule : Part I. –	The following shall be substituted for paragraph 4 :— "Any time during which a person fails to fulfil the statutory conditions or is under the provisions of the principal Act disqualified for receiving benefit shall be excluded in the computation of continuous periods of unemployment under this Part of this Schedule unless that person proves that the failure to fulfil the condition or the disqualification was due to incapacity for work arising from some specific disease or bodily or mental disablement."

Section 20 (3).

FIFTH SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
10 & 11 Geo. 5. c. 30.	The Unemployment Insurance Act, 1920.	Sub-section (2) of section four ; sub-section (4) of section eight ; sub-sections (1), (2), (4) and (11) of section eighteen ; section thirty-three ; and, as from the expiration of three months from the commencement of this Act, sub-section (4) of section eleven.

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FIFTH SCHEDULE—*continued.*

ENACTMENTS REPEALED—*continued.*

Session and Chapter.	Short Title.	Extent of Repeal.
11 Geo. 5. c. 1.	The Unemployment Insurance Act, 1921.	So much of the Second Schedule as amends the First Schedule to the Unemployment Insurance Act, 1920.
11 & 12 Geo. 5. c. 15.	The Unemployment Insurance (No. 2) Act, 1921.	Section eleven (so far as it relates to paragraph (*d*) in Part II. of the First Schedule to the Unemployment Insurance Act, 1920); section twelve, as from the first day of January, nineteen hundred and twenty-nine.
12 & 13 Geo. 5. c. 7.	The Unemployment Insurance Act (Northern Ireland), 1922.	Sub-sections (1) and (2) of section one; section eight; section thirteen; so much of sub-section (1) of section sixteen as defines the expressions "dependent child" and "child" or the dependency of a husband on his wife; sub-sections (2) and (3) of section sixteen; and, as from the first day of January, nineteen hundred and twenty-nine, section nine.
13 & 14 Geo. 5. c. 11.	The Unemployment Insurance Act (Northern Ireland), 1923.	Sub-section (1) of section four; sub-section (1) of section six; section eleven.
14 & 15 Geo. 5. c. 25.	The Unemployment Insurance (No. 2) Act (Northern Ireland), 1924.	Section one, except so much of sub-section (1) as enacts Part I. of the First Schedule and sub-section (5); section two; section three; sub-section (1) of section seven; sub-section (1) of section eight; sub-sections (4) and (5) of section sixteen; paragraph 3 (*b*) of Part I. of the First Schedule; so much of the Second Schedule as relates to section seventeen of the Unemployment Insurance Act, 1920.
15 & 16 Geo. 5. c. 22.	The Unemployment Insurance Act (Northern Ireland), 1925.	Section one.

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[18 & 19 GEO. 5].

CHAPTER 4.

An Act to amend the provisions of the Constabulary Act (Northern Ireland), 1922, with respect to the distribution and the free quota of the Royal Ulster Constabulary; to enable certain payments to be made towards the cost of the employment of the said Constabulary and the Special Constabulary in the county borough of Belfast; and otherwise to amend the law with respect to Constabulary matters. [4th June, 1928.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

Amendment of principal Act as to distribution of Royal Ulster Constabulary. 12&13Geo.5, c. 8.

1. Section one of the Constabulary Act (Northern Ireland), 1922 (in this Act referred to as "the principal Act") shall have effect as if for the First Schedule to the said Act there were substituted the First Schedule to this Act.

Amendment of principal Act as to free quota and additional constabulary

2.—(1) So much of the principal Act as provides for the assignment to each county and county borough of a prescribed number of sergeants and constables of the Royal Ulster Constabulary as the free quota of such county or county borough, and for the payment by the council of a county or county borough of a part of the cost of any additional force of the said Constabulary stationed therein, shall cease to have effect.

(2) The following provisions shall have effect with respect to the making of payments by councils of counties and county boroughs towards the costs, charges and expenses incurred in respect of the Royal Ulster Constabulary:—

15&16Geo.5, c. iii.

(*a*) The council of the county borough of Belfast shall pay, out of the city fund established under section nine of the Belfast Corporation Act (Northern Ireland), 1925, towards the said costs, charges and expenses incurred or to be incurred during the seven financial years ending on the thirty-first day of March, nineteen

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hundred and thirty-three, a sum of twenty-five thousand pounds in respect of each such financial year;

(*b*) The sums (if any) to be payable by the council of any county or any county borough other than Belfast, and, after the expiration of the said period of seven years, by the council of the county borough of Belfast, towards the said costs, charges and expenses shall be such as Parliament may hereafter determine.

(3) This section shall be deemed to have come into operation on the first day of April, nineteen hundred and twenty-six.

Contribution by Belfast Corporation in respect of Special Constabulary.

3. The council of the county borough of Belfast shall pay to the Exchequer of Northern Ireland, out of the city fund established under section nine of the Belfast Corporation Act (Northern Ireland), 1925, the sum of sixty-six thousand pounds as a contribution towards the cost of the employment of the Special Constabulary for police duty in the said county borough, in lieu of the charge for which the said council would have been liable if members of the Royal Ulster Constabulary had been employed in place of the Special Constabulary.

Amendment of s. 19 of 52 and 53 Vict., c. 21 and s. 4 of principal Act.

4.—(1) The fees taken by members of the Royal Ulster Constabulary as inspectors of weights and measures shall be appropriated as follows in aid of moneys provided by Parliament, that is to say:—

First, in aid of the moneys provided for defraying the expenses incurred by the Ministry of Commerce in execution of its duties under the Weights and Measures Acts, 1878 to 1919, so much of the said fees as the Ministry of Finance may from time to time certify to represent the amount of those expenses;

Secondly, in aid of the moneys provided for defraying the costs, charges and expenses of the Royal Ulster Constabulary, the balance of the said fees;

and, accordingly, so much of sub-section (2) of section nineteen of the Weights and Measures Act, 1889, as relates to the application of the said fees, and paragraph (*c*) of sub-section (5) of section four of the principal Act, shall cease to have effect.

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(2) This section shall have effect as from the first day of April, nineteen hundred and twenty-seven.

Provisions for payment to Exchequer of surplus accruing to the Special Constabulary Reward Fund.

5. If at any time the Ministry of Finance and the Ministry of Home Affairs jointly certify that any moneys forming part of the Special Constabulary Reward Fund are not required in order to provide the sums payable out of that Fund for the benefit of members of the Special Constabulary in accordance with the regulations for the time being in force with respect to that Fund, then the said moneys shall be paid into the Exchequer of Northern Ireland.

Provisions as to constabulary property and office of receiver.

6.—(1) All property, real and personal, by whatever title it is derived or purports to be derived (whether created by statute, regulation, order, conveyance, transfer or assignment, or in any other manner) and in whosesoever name it stands (whether of the Inspector-General, receiver or other officer or person), and at the passing of this Act held or purporting to be held for Constabulary purposes, shall, by virtue of this enactment, and without further conveyance, transfer or assignment, vest in the Ministry of Home Affairs.

(2) All property, real or personal, which may, after the passing of this Act, be acquired for Constabulary purposes shall be acquired by and in the name of the Ministry of Home Affairs, and shall be vested in that Ministry.

(3) The office of Receiver of the Royal Ulster Constabulary is hereby abolished, and the powers and duties belonging to the said office shall be exercised and performed by the Ministry of Home Affairs or officers of that Ministry, under and subject to the provisions of the Exchequer and Audit Act, 1921, the Ministries of Northern Ireland Act, 1921 [N.I.] and any other enactment making general provision with respect to the administration of public services by departments and officers of the Government of Northern Ireland; and the enactments applied to the Royal Ulster Constabulary by section one of the principal Act shall have effect accordingly, and shall be subject to such further adaptation as may, after consultation with the Minister of Finance, be made therein by the Minister of Home Affairs under sub-section (2) of section seven of the principal Act, in order to bring those enactments into conformity with the provisions of this section.

12 Geo. 5, c. 2.
12 Geo 5, c. 6.

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(4) In section six of the Constabulary (Ireland) Act, 1851 (as it applies to the Royal Ulster Constabulary) a reference to the Ministry of Home Affairs shall be substituted for the reference to the receiver or any person or persons to be nominated by the receiver. 14 & 15 Vict., c. 85.

(5) In this section the expression "Constabulary purposes" means any purposes of the principal Act or any other enactment relating to the Royal Ulster Constabulary.

Extension of period for compulsory acquisition of land. 14 & 15 Geo. 5, c. 17.

7. The power of the Ministry of Home Affairs to acquire land compulsorily for the purposes mentioned in sub-section (1) of section one of the Constabulary (Acquisition of Land) Act (Northern Ireland), 1924, may be exercised at any time not later than the twenty-eighth day of May, nineteen hundred and thirty-four, and the proviso to the said sub-section shall be amended accordingly.

Short title, construction, citation and repeal.

8.—(1) This Act may be cited as the Constabulary Act (Northern Ireland), 1928, and shall be construed as one with the principal Act; and the principal Act, the Constabulary (Acquisition of Land) Act (Northern Ireland), 1924, and this Act may be cited together as the Constabulary Acts (Northern Ireland), 1922 to 1928.

(2) The enactments set out in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

SCHEDULES.

FIRST SCHEDULE.

Section 1.

A. The general strength of the Force (including officers and constables of all ranks) shall not exceed 3,000, and the Force shall consist of officers and constables of the following ranks, that is to say :—

(1) Officers :

Inspector-General,
Deputy Inspector-General,
Medical Officer,
County Inspector,
Commissioner or Town Inspector for a county borough,
District Inspector.

(2) Constables :

Head Constable,
Sergeant,
Constable.

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B. The Force shall be distributed from time to time amongst the counties and county boroughs, and otherwise, in such manner as to the Minister seems fit:

Provided that—

(*a*) there shall be a commissioner or town inspector for each of the county boroughs of Belfast and Londonderry, being an officer of such rank in each case as the Minister may decide;

(*b*) there shall be a county inspector for each county (other than a county borough), but so that a county inspector may, if the Minister thinks fit, be assigned to two or more counties or to any other area or combination of areas which the Minister considers suitable.

Section 8.

SECOND SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
52 & 53 Vict., c. 21.	The Weights and Measures Act, 1889.	In sub-section (2) of section nineteen the words from "and the fees taken" to the end of the sub-section.
12 & 13 Geo. 5, c. 8.	The Constabulary Act (Northern Ireland), 1922.	Sub-sections (1) and (2) of section three; in section four, the proviso to sub-section (1), sub-sections (3) and (4), and paragraph (*c*) of sub-section (5); in section nine, the definition of "additional force."
14 & 15 Geo. 5, c. 17.	The Constabulary (Acquisition of Land) Act (Northern Ireland), 1924.	Section two.

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CHAPTER 5.

A.D. 1928.

An Act to amend the law relating to children born out of wedlock. [4th June, 1928.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows :—

Legitimation by subsequent marriage of parents.

1.—(1) Subject to the provisions of this section, where the parents of an illegitimate person marry or have married one another, whether before or after the commencement of this Act, the marriage shall, if the father of the illegitimate person was or is at the date of the marriage domiciled in Northern Ireland, render that person, if living, legitimate from the commencement of this Act, or from the date of the marriage, whichever last happens.

(2) Nothing in this Act shall operate to legitimate a person whose father or mother was married to a third person when the illegitimate person was born.

(3) The legitimation of a person under this Act does not enable him or his spouse, children or remoter issue to take any interest in real or personal property save as is hereinafter in this Act expressly provided.

(4) The provisions contained in the Schedule to this Act shall have effect with respect to the re-registration of the births of legitimated persons.

Declarations of legitimacy of legitimated persons. 31 & 32 Vict. c. 20.

2.—(1) A person claiming that he or his parent or any remoter ancestor became or has become a legitimated person may present a petition under the Legitimacy Declaration Act (Ireland), 1868, and that Act, subject to such necessary modifications as may be prescribed by rules of court, shall apply accordingly.

(2) A petition under the said Act may be presented by any such person as aforesaid to the county court instead of to the High Court, and the county court on such a petition being presented shall have all such jurisdiction as by the said Act is conferred upon the High Court :

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Provided that, where a petition is presented to the county court, the county court, if it considers that the case is one which owing to the value of the property involved or otherwise ought to be dealt with by the High Court, may, and if so ordered by the High Court shall, transfer the matter to the High Court, and on such transfer the proceeding shall be continued in the High Court as if it had been originally commenced therein.

Rights of legitimated persons, &c., to take interests in property.

3.—(1) Subject to the provisions of this Act, a legitimated person and his spouse, children or remoter issue shall be entitled to take any interest—

(*a*) in the estate of an intestate dying after the date of legitimation;

(*b*) under any disposition coming into operation after the date of legitimation;

(*c*) by descent under a disposition whereby an estate tail has been created after the date of legitimation;

in like manner as if the legitimated person had been born legitimate.

(2) Where the right to any property, real or personal, depends on the relative seniority of the children of any person, and those children include one or more legitimated persons, the legitimated person or persons shall rank as if he or they had been born on the day when he or they became legitimated by virtue of this Act, and if more than one such legitimated person became legitimated at the same time, they shall rank as between themselves in order of seniority.

(3) Where property real or personal or any interest therein is limited in such a way that, if this Act had not been passed, it would (subject or not to any preceding limitations or charges) have devolved (as nearly as the law permits) along with a dignity or title of honour, then nothing in this Act shall operate to sever the property or any interest therein from such dignity, but the same shall go and devolve (without prejudice to the preceding limitations or charges aforesaid) in like manner as if this Act had not been passed. This sub-section applies, whether or not there is any express reference to the dignity or title of honour and notwithstanding that in some events the property, or some interest therein, may become severed therefrom.

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(4) This section applies only if and so far as a contrary intention is not expressed in the disposition, and shall have effect subject to the terms of the disposition and to the provisions therein contained.

Succession on intestacy of legitimated persons and their issue.

4. Where a legitimated person or a child or remoter issue of a legitimated person dies intestate in respect of all or any of his real or personal property, the same persons shall be entitled to take the same interests therein as they would have been entitled to take if the legitimated person had been born legitimate.

Application to illegitimate person dying before marriage of parents.

5. Where an illegitimate person dies after the commencement of this Act and before the marriage of his parents leaving any spouse, children or remoter issue living at the date of such marriage, then, if that person would, if living at the time of the marriage of his parents, have become a legitimated person, the provisions of this Act with respect to the taking of interests in property by, or in succession to, the spouse, children and remoter issue of a legitimated person (including those relating to the rate of death duties) shall apply as if such person as aforesaid had been a legitimated person and the date of the marriage of his parents had been the date of legitimation.

Personal rights and obligations of legitimated persons.

6.—(1) A legitimated person shall have the same rights, and shall be under the same obligations in respect of the maintenance and support of himself or of any other person, as if he had been born legitimate, and, subject to the provisions of this Act, the provisions of any Act relating to claims for damages, compensation, allowance, benefit, or otherwise by or in respect of a legitimate child shall apply in like manner in the case of a legitimated person.

(2) Where the marriage leading to the legitimation of a child took place before the fourth day of January, nineteen hundred and twenty-six, and the father of the child died before that date, the child shall, for the purpose of determining rights to pension or additional allowance under the Widows' Orphans' and Old Age Contributory Pensions Act (Northern Ireland), 1925, be deemed to have been a child of the marriage living at that date:

15&16 Geo 5, c. 23

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Provided that nothing in this sub-section shall confer any right to claim any payment in respect of any period prior to the date of legitimation.

Death duties

7. Where a legitimated person or any relative of a legitimated person takes any interest in real or personal property, any succession, legacy or other duty which becomes leviable after the date of legitimation shall be payable at the same rate as if the legitimated person had been born legitimate.

Provisions as to persons legitimated by extraneous law.

8.—(1) Where the parents of an illegitimate person marry or have married one another, whether before or after the commencement of this Act, and the father of the illegitimate person was or is, at the time of the marriage, domiciled in a country, other than Northern Ireland, by the law of which the illegitimate person became legitimated by virtue of such subsequent marriage, that person, if living, shall in Northern Ireland be recognised as having been so legitimated from the commencement of this Act or from the date of the marriage, whichever last happens, notwithstanding that his father was not at the time of the birth of such person domiciled in a country in which legitimation by subsequent marriage was permitted by law.

(2) All the provisions of this Act relating to legitimated persons and to the taking of interests in property by or in succession to a legitimated person and the spouse, children and remoter issue of a legitimated person (including those relating to the rate of death duties) shall apply in the case of a person recognised as having been legitimated under this section, or who would, had he survived the marriage of his parents, have been so recognised; and, accordingly, this Act shall have effect as if references therein to a legitimated person included a person so recognised as having been legitimated.

(3) For the purposes of this section, the expression "country" includes England and Wales, Scotland and any other part of His Majesty's Dominions, as well as a foreign country.

Right of illegitimate child and mother of illegitimate child to succeed on intestacy of the other.

9.—(1) Where, after the commencement of this Act, the mother of an illegitimate child, such child not being a legitimated person, dies intestate as respects all

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or any of her real or personal property, and does not leave any legitimate issue her surviving, the illegitimate child, or, if he is dead, his issue, shall be entitled to take any interest therein to which he or such issue would have been entitled if he had been born legitimate.

(2) Where, after the commencement of this Act, an illegitimate child, not being a legitimated person, dies intestate in respect of all or any of his real or personal property, his mother if surviving shall be entitled to take any interest therein to which she would have been entitled if the child had been born legitimate and she had been the only surviving parent.

(3) This section does not apply to or affect the right of any person to take by purchase or descent any estate tail.

Savings.

10.—(1) Nothing in this Act shall be construed as affecting the succession to any dignity or title of honour or as rendering any person capable of succeeding to or transmitting a right to succeed to any such dignity or title.

(2) Nothing in this Act shall affect the operation or construction of any disposition coming into operation before the commencement of this Act, or affect any rights under the intestacy of a person dying before the commencement of this Act.

Interpretation.

11. For the purposes of this Act, unless the context otherwise requires :—

The expression "legitimated person" means a person legitimated by this Act :

The expression "date of legitimation" means the date of the marriage leading to the legitimation, or where the marriage occurred before the commencement of this Act, the commencement of this Act :

The expression "disposition" means an assurance of any interest in property by any instrument whether inter vivos or by will :

The expression "intestate" includes a person who leaves a will but dies intestate as to some beneficial interest in his real or personal estate, and "will" includes "codicil."

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Short title and commencement.

12.—(1) This Act may be cited as the Legitimacy Act (Northern Ireland), 1928.

(2) This Act shall come into operation on the first day of July, nineteen hundred and twenty-eight.

SCHEDULE.

Section 1.

REGISTRATION OF BIRTHS OF LEGITIMATED PERSONS.

1. The Registrar-General for Northern Ireland (in this schedule referred to as "the Registrar-General") may, on production of such evidence as appears to him to be satisfactory, authorise at any time the re-registration of the birth of a legitimated person whose birth is already registered under the Births and Deaths Registration (Ireland) Acts, 1863 to 1880, and such re-registration shall be effected in such manner and at such place as may be prescribed by regulations under the said Acts:

Provided that the Registrar-General shall not authorise the re-registration of the birth of any such person in any case where information with a view to obtaining such re-registration is not furnished to him by both parents, unless—

(*a*) the name of a person acknowledging himself to be the father of the legitimated person has been entered in the register in pursuance of section seven of the Births and Deaths Registration Act (Ireland) 1880; or

43 & 44 Vict. c. 13.

(*b*) the paternity of the legitimated person has been established by an affiliation order or otherwise by a decree of a court of competent jurisdiction; or

(*c*) a declaration of the legitimacy of the legitimated person has been made under the Legitimacy Declaration Act (Ireland), 1868, as amended by this Act.

2. It shall be the duty of the parents of a legitimated person, or, in cases where re-registration can be effected on information furnished by one parent and one of the parents is dead, of the surviving parent, within the time hereinafter specified, to furnish to the Registrar-General information with a view to obtaining the re-registration of the birth of that person, that is to say:—

(*a*) If the marriage took place before the commencement of this Act, within six months of such commencement;

(*b*) If the marriage takes place after the commencement of this Act, within three months after the date of the marriage.

3. Where the parents, or either of them, fail to furnish the necessary information within the time limited for the purpose, the Registrar-General may at any time after the expiration of that time require the parents of a person whom he believes to have been legitimated by virtue of this Act, or either of them, to give him such information concerning the matter as he may consider necessary, verified in such manner as he may direct, and for that purpose to attend personally either at a registrar's office or at any other place appointed by him within such time, not being less than seven days after the receipt of the notice, as may be specified in the notice.

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4. The failure of the parents or either of them to furnish information as required by this schedule in respect of any legitimated person shall not affect the legitimation of that person.

5. No fee for re-registration under this schedule shall be charged if the necessary information for the purpose is furnished within the time above specified; but in any other case there shall be charged in respect of such re-registration such fees, not exceeding in the aggregate ten shillings, as may be prescribed by regulations under the Births and Deaths Registration (Ireland) Acts, 1863 to 1880.

6. This schedule shall be construed as one with the Births and Deaths Registration (Ireland) Acts, 1863 to 1880, as those Acts apply in Northern Ireland.

CHAPTER 6.

An Act to amend the law relating to perpetuities and accumulations, as respects certain benefit funds. [4th June, 1928.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

Rule against perpetuities not to apply to registered funds.

1. The rule of law relating to perpetuities shall not apply and shall be deemed never to have applied to the trusts of any fund registered under this Act (in this Act referred to as a "registered fund").

Qualifications for registration of funds.

2. Subject to the provisions of this Act, any fund established under trusts subject to the laws of Northern Ireland, in connection with an undertaking or combination of undertakings carried on wholly or partly in Northern Ireland, being a fund of which the main purpose is either—

(*a*) the provision of superannuation allowances on retirement to persons employed in the undertaking or combination of undertakings in connection with which the fund is established; or

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(*b*) the provision of pensions during widowhood to the widows of persons who are or have been so employed and of periodical allowances to or in respect of children of such persons; or

(*c*) the assurance of capital sums on the death of persons who have been so employed,

shall be qualified for registration under this Act if the rules of the fund comply with the requirements set out in the Schedule to this Act.

Registration.

3.—(1) Application for the registration under this Act of any fund may be made in writing addressed to the registrar, signed by the trustees of the fund, and every such application shall specify the address at which communications concerning the fund will be received by the secretary (in this Act referred to as "the address of the fund") and shall be accompanied by two copies of the rules of the fund and a list of the names and addresses of the trustees of the fund.

(2) Upon application being made in accordance with the provisions of this Act for the registration of any fund, the registrar shall, if he is satisfied that the fund is qualified for registration, register the fund and the rules thereof, and shall enter in the register the address of the fund and the names and addresses of the trustees.

(3) In the event of any amendment of the rules of a registered fund or of any change in the address of such a fund or in the names or addresses of the trustees thereof, the trustees shall, within twenty-one days after the making of the amendment or change, apply for the registration of the amendment or for the correction of the register in respect of the change, as the case may be, by sending an application in writing addressed to the registrar, signed by the secretary of the fund, and accompanied, in the case of an amendment, by two copies thereof signed by one of the trustees of the fund and, in the case of any such change as aforesaid, by the necessary particulars for the correction of the register. No amendment in the rules of a registered fund shall be valid until it has been registered, but, upon application for the registration of any such amendment being made

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as aforesaid, the registrar shall register the amendment if he is satisfied that the rules as thereby amended would not have disqualified the fund for registration under this Act.

(4) Upon the registration under this Act of any fund or of an amendment of the rules of any registered fund, the registrar shall issue a certificate of registration, and any document purporting to be a certificate issued under this sub-section and to be signed or sealed by the registrar shall be received in evidence and be deemed to be so issued, signed or sealed without further proof unless the contrary is shown, and shall be conclusive evidence of the fact certified.

(5) The registration of a registered fund shall not be cancelled unless and until the fund has been wound up, but within fourteen days after the completion of the winding-up of any such fund the trustees shall send notice thereof in writing to the registrar, and, upon receiving notice that any registered fund has been wound up, the registrar shall, if he is satisfied that the fund has been wound up and the assets thereof applied in accordance with the provisions of the rules of the fund, cancel the registration of the fund.

(6) Such fees shall be payable in respect of the registration of funds, amendments of rules and changes of name or address, and in respect of the issue of certificates under this Act, as may be prescribed by regulations made by the Ministry of Commerce with the approval of the Ministry of Finance.

Power on registration of funds to delete provisions for avoiding the rule against perpetuities.

4.—(1) If upon an application for the registration under this Act of any fund whereof the rules were made before the commencement of this Act, the registrar is satisfied that the rules of the fund contain provisions which were inserted only for the purpose of avoiding the application to the trusts of the fund of the rule of law relating to perpetuities, he may, at the request of the trustees making the application, amend the rules by deleting those provisions therefrom and may, upon the like request, make any further amendments that are, in his opinion, proper in consequence of their deletion.

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(2) Where the rules of any fund are amended by the registrar under this section, the rules shall, when registered, have effect subject to the amendments so made.

Accounts and reports of registered funds.

5.—(1) The trustees of every registered fund shall, once in every year, cause to be prepared a statement of accounts and balance sheet of the fund which shall be audited by an auditor, and shall, at least once in every five years, cause an investigation and report to be made by an actuary as to the financial condition of the fund.

(2) A copy of every statement of accounts, balance sheet and report prepared under this section signed by the auditor or actuary, as the case may be, and by the secretary of the fund, shall be sent to the registrar within twelve months after the close of the period to which it relates.

Supplementary provisions as to powers of registrar.

6.—(1) The registrar may require any person being a trustee or officer of any fund, for the registration of which under this Act application has been made, or of any registered fund, to furnish, either by statutory declaration or otherwise, any information or explanation which may be necessary for the proper exercise and performance of the powers and duties of the registrar under this Act.

(2) In the event of any breach of trust being committed by the trustees of a registered fund by reason of their making any unauthorised investment or by reason of their committing a breach of any rule of the fund, being a rule required by this Act as a qualification for registration of the fund thereunder, the registrar shall have the like remedies in all respects for the breach of trust as if he were a person beneficially interested in the fund.

Penalties for defaults.

7.—(1) If, in respect of any registered fund, default is made in complying with any of the requirements of this Act relating to accounts and reports, in making application in accordance with the requirements of this Act for the registration of any amendment of the rules or for correction of the register in respect of any change in the address of the fund or in the names and addresses of the trustees, or in sending to the registrar notice

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of the winding up of the fund, every trustee and the secretary of the fund shall be guilty of an offence under this Act:

Provided that it shall be a good defence to any proceedings against any person in respect of an offence under this sub-section to prove that the default occurred without his consent or connivance and was not facilitated by any neglect on his part.

(2) If any person lawfully required under this Act by the registrar to furnish any information or explanation, which could with reasonable diligence be furnished by him, makes default in complying with any such requirement within fourteen days after written notice thereof has been delivered to him, he shall be guilty of an offence under this Act.

(3) Any person guilty of an offence under this Act shall be liable on summary conviction to a fine not exceeding five pounds, and, in the case of an offence consisting of a continuing default, to a fine not exceeding five pounds for every week in which the default has been continued.

Interpretation.

8. In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"Actuary" and "Auditor" mean persons having such qualifications as may be prescribed respectively by regulations made by the Ministry of Commerce and laid before Parliament:

"Registrar" means the officer appointed by the Government of Northern Ireland to perform in Northern Ireland the functions of registrar of friendly societies:

"Rules" means, in relation to any fund, the instrument creating and regulating the trusts of the fund, and includes every such instrument:

"Trust," for the purpose of any application made or intended to be made for the registration under this Act of any fund or proposed fund, includes any trust which before such registration may be void by reason of the rule of law relating to perpetuities, and for that purpose the expression "trustee" shall be construed accordingly.

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Reports to Parliament.

9. The registrar shall in every year make a general report of his proceedings under this Act to the Minister of Commerce, and that report shall be laid before both Houses of Parliament, so, however, that no such report shall contain information as to the accounts or reports of particular registered funds.

Short title.

10. This Act may be cited as the Superannuation and other Trust Funds (Validation) Act (Northern Ireland), 1928.

SCHEDULE.

Section 2

REQUIREMENTS AS TO RULES OF REGISTERED FUNDS.

The rules of a fund qualified for registration under this Act must make provision for the following matters, that is to say:—

1. The whole of the objects for which the fund is established:
2. The appointment and removal of trustees and of a secretary:
3. The vesting in the trustees of all property belonging to the fund:
4. The investment in the names of the trustees of all capital moneys belonging to the fund and for authorising the investments, if any in addition to those authorised by law, in which the trustees may invest such moneys; so, however, that the rules of a fund may provide for the deposit of such moneys with a bank, and may also provide for their deposit with the employers of persons employed in the undertaking, or combination of undertakings, in connection with which the fund is established, in the following cases, that is to say—
   (*a*) where the rules so provided before the twenty-ninth day of March, nineteen hundred and twenty-eight;
   (*b*) where the deposit of such moneys is authorised subject to the conditions that every employer with whom such moneys are deposited must be a body corporate having, during each of the ten years last past before the date of any deposit, paid a dividend or interest at a rate of not less than three per cent. on its ordinary shares, and that every such deposit must be secured by a charge on the whole or part of the assets of the undertaking carried on by such employer.
5. The making of contributions to the fund by the employers of persons employed in the undertaking or combination of undertakings in connection with which the fund is established:

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6. The contributions payable to the fund, and the rates of benefit payable thereout or the method of calculating the benefits so payable :

7. The conditions on which persons may become and may cease to be, respectively, contributors to, and entitled to benefits from, the fund :

8. The circumstances in which the fund may be wound up and the manner in which the assets thereof are in that event to be applied :

9. The method by which the rules may be amended :

10. The preparation of all statements of accounts, balance sheets and reports required by this Act to be prepared :

11. The supply on demand to every person having any rights in the fund, being a person who is or has been employed in the undertaking or combination of undertakings in connection with which the fund is established, of a copy of the rules of the fund and of all amendments thereof, and of the latest statement of accounts, balance sheet and report prepared in accordance with the requirements of this Act.

CHAPTER 7.

An Act to provide for and regulate the payment of expenses incurred by education authorities and committees in connection with membership and meetings of education associations.

[4th June, 1928.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows :—

Subscriptions to, and attendance at meetings of, education associations and bodies. 13&14 Geo. 5, c 21.

1. An education authority or committee constituted, appointed or established by or in pursuance of section two or section twenty-three of the Education Act (Northern Ireland), 1923, may, subject to the approval of the Ministry of Education, join or become a member of any education association or body, and may, if authorised by the Ministry of Education, and subject to such regulations as may be made by that Ministry for the purposes of this Act, pay, as part of their expenses under the first-mentioned Act, such sums as may be so authorised—

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(*a*) by way of annual or other subscription to any such association or body; and

(*b*) towards the reasonable expenses of members or officers of the authority or committee in attending meetings of any such association or body:

Provided that—

(i) such authority or committee shall not incur expenditure—

(A) in respect of more than three persons in connection with any one meeting of an education association or body, except with the previous approval of the Ministry of Education; or

(B) in respect of any meeting of an education association or body held elsewhere than in the United Kingdom or the Irish Free State;

(ii) such authority or committee shall not pay any expenditure under this Act, unless it has been specially authorised or ratified by resolution of the authority or committee after special notice has been given to members of the authority or committee of the proposal to authorise or ratify the expenditure;

(iii) expenditure payable by such authority or committee in respect of the travelling and subsistence of members and officers shall be in accordance with the scale ordinarily adopted by the authority or committee and approved by the Ministry of Education.

Short title.

2. This Act may be cited as the Education Associations Act (Northern Ireland), 1928.

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CHAPTER 8.

A. D. 1928.

An Act to amend the Leases for Schools (Ireland) Act, 1881, and otherwise to make provision for enabling certain leases and grants to be made for school purposes. [4th June, 1928.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

Amendment of 44 and 45 Vict., c. 65, as to leases for schools.

1.—(1) The power of making leases which is conferred by the Leases for Schools (Ireland) Act, 1881, upon the persons therein described shall extend to the making (subject to the limitations contained in section four of the said Act as to quantity, term and rent) of leases to an education authority—

(*a*) of land for the purpose of providing a playground or place of recreation or other school accommodation in connection with a school or schools; or

(*b*) of land together with a school or schools and playground, teacher's residence or other school accommodation, erected or provided on such land.

(2) The persons described in the Leases for Schools (Ireland) Act, 1881, shall (in addition to the power of making leases conferred by that Act or by that Act as extended by this Act) have power to make leases to an education authority, for any term or in perpetuity, of any quantity of land for any of the purposes mentioned in the said Act or in this Act:

Provided that every lease under the provisions of this sub-section shall reserve the best rent that can reasonably be obtained, regard being had to any money laid out or to be laid out on the premises leased and generally to the circumstances of the case, and the provisions of sections five, six and seven of the Leases for Schools (Ireland) Act, 1881, shall apply to every such lease.

Amendment of 31 Geo. 3, c. 46 (Irish).

2. Notwithstanding anything contained in the Act passed by the Irish Parliament in the session held in the thirty-first year of the reign of His Majesty King

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George the Third, chapter forty-six, intituled, An Act for settling and preserving a Publick Observatory and Museum in the City of Armagh for ever, it shall be lawful for the governors and guardians in and by that Act constituted and incorporated to sell, grant on lease or otherwise transfer to the education authority for the county of Armagh any portion, not exceeding three acres statute measure, of the lands held by the said governors and guardians on the trusts in the said Act declared, for the provision and maintenance on such land by such education authority in accordance with its powers and duties of a school or schools, and other buildings and facilities connected therewith.

Any such sale, letting or transfer, may include such easement, quasi-easement or right in or over any other lands retained by the said governors and guardians, and may be made subject to such restrictions, exceptions or reservations, as may be agreed upon.

Any such sale, letting or transfer shall be for a fair and reasonable consideration or rent, and the proceeds or profits thereof shall be received by the said governors and guardians (who may give valid receipts and discharges therefor) and shall be subject to, and shall be applied in accordance with, the trusts and purposes in the said Act declared.

Short title and interpretation.

3.—(1) This Act may be cited as the School Sites Act (Northern Ireland), 1928.

(2) In this Act the expression "education authority" means an education authority for the purposes of the Education Act (Northern Ireland), 1923.

CHAPTER 9.

An Act to grant a duty of Excise upon certain licences, and to amend the law relating to certain other duties of Excise and to stamp duty.

[4th June, 1928.

WHEREAS His Majesty's most dutiful and loyal subjects, the Commons of Northern Ireland in Parliament assembled, towards raising the necessary supplies to defray His Majesty's public expenses, and

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making an addition to the public revenue, in Northern Ireland, have freely and voluntarily resolved to give and grant unto His Majesty the duty hereinafter mentioned: Be it therefore enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

Excise Duties.

Duty on special licence for wholesale dealers in spirits. 17&18 Geo.5. c. 21.

1.—(1) There shall as from the first day of July, nineteen hundred and twenty-eight, be charged, levied and paid on a special dealer's licence, to be taken out annually under sub-section (1) of section five of the Intoxicating Liquor and Licensing Act (Northern Ireland), 1927, by a wholesale dealer in spirits, an excise duty of three pounds three shillings.

5 & 6 Geo. 5, c. 62.

(2) Section three of the Finance Act, 1915 (which provides for the repayment of a proportional part of duty on a liquor licence in cases where business is discontinued) shall apply to a licence under this section as it applies to the licences specified in the First Schedule to the Finance (1909-10) Act, 1910.

10 Edw. 7, c. 8.

(3) A licence under this section shall be in such form as the Ministry of Finance may prescribe.

Licence duty in case of premises structurally separated under 13 & 14 Geo 5, c. 12.

2.—(1) Where, in compliance with the requirements of the Intoxicating Liquor Act (Northern Ireland), 1923, as amended by the Intoxicating Liquor and Licensing Act (Northern Ireland), 1927, the part of any premises in which the sale of intoxicating liquor is carried on under the authority of a retailer's licence has been structurally separated from any part of the same premises in which some other trade or business is carried on, and the certificate granted by the licensing court for the issue of the licence is restricted so as to exclude from its application the part of the premises in which such other trade or business is carried on, the following provisions shall have effect:—

(*a*) The applicant for the licence may elect to have the duty on the licence charged upon the annual value, ascertained as hereinafter provided, of so much of the premises as has not been excluded from the certificate of the

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licensing court (in this section referred to as "the licensed premises"), instead of upon the annual value of the entire premises as determined in accordance with the provisions of sub-section (7) of section forty-three of the Inland Revenue Act, 1880;

43 & 44 Vict., c. 20.

(*b*) If the applicant for the licence elects as aforesaid, the Commissioner of Valuation shall ascertain the amount of the annual value of the licensed premises upon an estimate of the net annual value thereof as licensed premises at the commencement of the licensing year for which the licence is sought, according to the principles laid down, in regard to houses and buildings, in section eleven of the Valuation (Ireland) Act, 1852; and the said Commissioner shall, upon payment of the prescribed fee, certify the amount of the annual value so ascertained, and may from time to time, in accordance with the prescribed regulations and upon payment of such fee (if any) as may be prescribed, revise or cancel his certificate upon application by the licensed person or by an officer of excise:

15 & 16 Vict., c. 63

Provided that nothing in this provision shall enable a greater annual value to be at any time assigned to the licensed premises than the annual value which would, apart from this section, have been assigned to the entire premises for the purposes of the licence duty;

(*c*) The annual value of the licensed premises certified as aforesaid shall, for the purpose of the licence duty but for no other purpose, be the annual value of the premises, and the licence duty shall, so long as the certificate under this section is in force, be charged only upon that annual value;

(*d*) Except in cases where the annual value of the licensed premises is certified by the said Commissioner under this section, the licence duty shall continue to be charged upon the annual value of the entire premises as determined in accordance with the provisions of sub-section (7) of section forty-three

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of the Inland Revenue Act, 1880, notwithstanding that the certificate of the licensing court has been restricted to the licensed premises.

(2) The Ministry of Finance may make regulations with respect to the giving, revision and cancellation of certificates by the Commissioner of Valuation for the purposes of this section, and for prescribing anything which may be prescribed thereunder.

(3) In this section the expression "Commissioner of Valuation" means the officer to whom the Minister of Finance has, for the time being, in pursuance of subsection (3) of section one of the Ministries of Northern Ireland Act, 1921 [N.I.], assigned, for exercise and performance, the powers and duties transferred to the Ministry of Finance from the Commissioner of Valuation and Boundary Surveyor for Ireland, and the expression "prescribed" means prescribed by regulations made under this section.

12 Geo. 5, c. 6

Arrangements for issue of, and collection of duty on, certain excise licences by police.

3. The Ministry of Finance may, if it thinks fit, by agreement in writing with the Ministry of Home Affairs, arrange for the exercise by officers and constables of the Royal Ulster Constabulary, either concurrently with the Ministry of Finance or to the exclusion of that Ministry, of any powers of that Ministry with respect to the issue of, and the collection of the excise duty chargeable on, game certificates and licences and gun licences; and, so far as required for the purpose of giving effect to any such arrangement, the provisions of the enactments with respect to game certificates and licences and gun licences shall have effect as if the officers and constables of the Royal Ulster Constabulary to which such arrangement applies were, in the said enactments, mentioned in addition to, or substituted for, the Ministry of Finance and officers of that Ministry.

In this section the expression "game certificates and licences" means certificates to kill game and licences to deal in game taken out under the Game Licences Act, 1860, and the expression "gun licences" means licences to use or carry a gun taken out under the Gun Licence Act, 1870.

23 & 24 Vict., c. 90.

32 & 34 Vict., c. 57.

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Stamp Duty.

Relief from capital and transfer stamp duty in case of reconstructions or amalgamations of companies.

4.—(1) If in connection with a scheme for the reconstruction of any company or companies or the amalgamation of any companies it is shown to the satisfaction of the Ministry of Finance that there exist the following conditions, that is to say—

(*a*) that a company with limited liability is to be registered, or that since the commencement of this Act a company has been incorporated by letters patent or Act of Parliament, or the nominal share capital of a company has been increased;

(*b*) that the company (in this section referred to as "the transferee company") is to be registered or has been incorporated or has increased its capital with a view to the acquisition either of the undertaking of, or of not less than ninety per cent. of the issued share capital of, any particular existing company;

(*c*) that the consideration for the acquisition (except such part thereof as consists in the transfer to or discharge by the transferee company of liabilities of the existing company) consists as to not less than ninety per cent. thereof—

(i) where an undertaking is to be acquired, in the issue of shares in the transferee company to the existing company or to holders of shares in the existing company; or

(ii) where shares are to be acquired, in the issue of shares in the transferee company to the holders of shares in the existing company in exchange for the shares held by them in the existing company;

then, subject to the provisions of this section,—

(A) The nominal share capital of the transferee company, or the amount by which the capital of the transferee company has been increased, as the case may be, shall, for the purpose of computing the stamp duty chargeable in respect of that capital, be treated as being reduced by either—

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(i) an amount equal to the amount of the share capital of the existing company in respect of which stamp duty has been paid, or, in the case of the acquisition of a part of an undertaking, equal to such proportion of the said share capital as the value of that part of the undertaking bears to the whole value of the undertaking; or

(ii) the amount to be credited as paid up on the shares to be issued as such consideration as aforesaid,

whichever amount is the less: and

(B) Stamp duty under the heading "Conveyance or Transfer on Sale" in the First Schedule to the Stamp Act, 1891, shall not be chargeable on any instrument made for the purposes of or in connection with the transfer of the undertaking or shares, nor shall any such duty be chargeable under section twelve of the Finance Act, 1895, on a copy of any Act of Parliament, or on any instrument vesting, or relating to the vesting of, the undertaking or shares in the transferee company:

54 & 55 Vict., c. 39.

58 & 59 Vict., c. 16.

Provided that—

(*a*) no such instrument shall be deemed to be duly stamped unless either it is stamped with the duty to which it would but for this section be liable or it has in accordance with the provisions of section twelve of the Stamp Act, 1891, been stamped with a particular stamp denoting either that it is not chargeable with any duty or that it is duly stamped; and

(*b*) in the case of an instrument made for the purposes of or in connection with a transfer to a company within the meaning of the Companies (Consolidation) Act, 1908, the provisions of paragraph (B) of this sub-section shall not apply unless the instrument is either—

8 Edw. 7, c. 69.

(i) executed within a period of twelve months from the date of the registration of the transferee company or the date of the resolution for the increase of the nominal share capital of the transferee company, as the case may be; or

(ii) made for the purpose of effecting a conveyance or transfer in pursuance of an

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agreement which has been filed, or particulars of which have been filed, with the registrar of companies for Northern Ireland within the said period of twelve months.

(2) For the purposes of a claim for exemption under paragraph (B) of sub-section (1) of this section, a company which has, in connection with a scheme of reconstruction or amalgamation, issued any unissued share capital shall be treated as if it had increased its nominal share capital.

(3) A company shall not be deemed to be a particular existing company within the meaning of this section unless it is provided by the memorandum of association of, or the letters patent or Act incorporating, the transferee company that one of the objects for which the company is established is the acquisition of the undertaking of, or shares in, the existing company, or unless it appears from the resolution, Act or other authority for the increase of the capital of the transferee company that the increase is authorised for the purpose of acquiring the undertaking of, or shares in, the existing company.

(4) In a case where the undertakings of or shares in two or more companies are to be acquired, the amount of the reduction to be allowed under this section in respect of the stamp duty chargeable in respect of the nominal share capital or the increase of the capital of a company shall be computed separately in relation to each of those companies.

(5) Where a claim is made for exemption under this section, the Ministry of Finance may require the delivery to it of a statutory declaration, made by a solicitor of the Supreme Court, in such form as the said Ministry may direct, and of such further evidence, if any, as the said Ministry may reasonably require.

(6) If—

(*a*) where any claim for exemption from duty under this section has been allowed, it is subsequently found that any declaration or other evidence furnished in support of the claim was untrue in any material particular, or that the conditions specified in sub-section (1)

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of this section are not fulfilled in the reconstruction or amalgamation as actually carried out; or

(*b*) where shares in the transferee company have been issued to the existing company in consideration of the acquisition, the existing company within a period of two years from the date, as the case may be, of the registration or incorporation, or of the authority for the increase of the capital, of the transferee company ceases, otherwise than in consequence of reconstruction, amalgamation or liquidation, to be the beneficial owner of the shares so issued to it; or

(*c*) where any such exemption has been allowed in connection with the acquisition by the transferee company of shares in another company, the transferee company within a period of two years from the date of its registration or incorporation or of the authority for the increase of its capital, as the case may be, ceases, otherwise than in consequence of reconstruction, amalgamation or liquidation, to be the beneficial owner of the shares so acquired;

the exemption shall be deemed not to have been allowed, and an amount equal to the duty remitted shall become payable forthwith, and shall be recoverable from the transferee company as a debt due to His Majesty, together with interest thereon at the rate of five per cent. per annum in the case of duty remitted under paragraph (A) of sub-section (1) of this section from the date of the registration or incorporation of the transferee company or the increase of its capital, as the case may be, and in the case of duty remitted under paragraph (B) of the said sub-section from the date on which it would have become chargeable if this Act had not passed.

(7) If in the case of any scheme of reconstruction or amalgamation the Ministry of Finance is satisfied that at the proper time for making a claim for exemption from duty under sub-section (1) of this section there were in existence all the necessary conditions for such exemption other than the condition that not less than ninety

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per cent. of the issued share capital of the existing company would be acquired by the transferee company, the said Ministry may, if it is proved to its satisfaction that not less than ninety per cent. of the issued capital of the existing company has under the scheme been acquired within a period of six months from the earlier of the two following dates, that is to say—

(*a*) the last day of the period of one month after the first allotment of shares made for the purposes of the acquisition; or

(*b*) the date on which an invitation was issued to the shareholders of the existing company to accept shares in the transferee company;

and on production of the instruments on which the duty paid has been impressed, direct repayment to be made of such an amount of duty as would have been remitted if the said condition had been originally fulfilled.

(8) In this section, unless the context otherwise requires—

References to the undertaking of an existing company include references to a part of the undertaking of an existing company:

The expression "shares" includes stock.

Provision as to stamp duty on powers of attorney.

5. No instrument chargeable with stamp duty under the heading "Letter or Power of Attorney, and "Commission, Factory, Mandate, or other instrument in "the nature thereof" in the First Schedule to the Stamp Act, 1891, shall be charged with duty more than once by reason only that more persons than one are named in the instrument as donors or donees (whether jointly, severally or otherwise), of the powers thereby conferred or that those powers relate to more than one matter.

Provisions as to stamp duty in case of land acquired by vesting order under the Roads Improvement Act. 18 & 19 Geo. 5, c. 10.

6. Where a conveyance or transfer of any land takes place by the operation of a vesting order made by the Ministry of Home Affairs under the provisions of the Schedule to an Act of the present session of Parliament, entitled "the Roads Improvement Act (Northern Ireland), 1928," the following provisions shall have effect with respect to the payment of the stamp duty chargeable in the case of such conveyance or transfer:—

(*a*) The vesting order shall not be deemed to be an instrument upon which stamp duty is chargeable;

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(*b*) The instrument upon which stamp duty is chargeable in the case of such conveyance or transfer shall be—

(i) where compensation money is paid into court by the local authority under the provisions of the said Schedule, the receipt given to the local authority for that payment by the proper officer of the court; and

(ii) in any other case, the receipt in the prescribed form given in pursuance of the provisions of the said Schedule to the local authority by the person to whom compensation is paid;

(*c*) The local authority shall, within three months after the date of the giving to them of such receipt, produce the same to the Ministry of Finance duly stamped with the ad valorem duty payable upon a conveyance on sale of the property for which the compensation is paid as aforesaid; and in default of such production the duty, with interest thereon at the rate of five per cent. per annum from the said date, shall be a debt due to the Ministry of Finance from the local authority.

Supplemental.

Construction and short title.

7.—(1) References in this Act to enactments of the Parliament of the United Kingdom shall be construed as references to those enactments as they apply in Northern Ireland.

(2) References in this Act to the Ministry of Finance shall be construed as references to that Ministry acting in the execution of the powers transferred to it either from the Commissioners of Inland Revenue or from the Commissioners of Customs and Excise (as the case may require), and as including references to any officer of a department of the Government of the United Kingdom who is acting in the execution of any such powers on behalf of that Ministry by virtue of an arrangement under section sixty-three of the Government of Ireland Act, 1920.

10 & 11 Geo. 5, c. 67

(3) This Act may be cited as the Finance Act (Northern Ireland), 1928.

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CHAPTER 10.

An Act to make further provision with respect to the compulsory acquisition of land for roads and streets, to confer further powers upon local authorities for the improvement of roads and streets, and for the prevention of danger to persons using the same and the relief of congestion of traffic, and for other purposes connected therewith.

[4th June, 1928].

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows :—

Compulsory acquisition of land for road purposes.

1. Where a local authority desire, for the purpose of improving or widening an old road or street or making a new road or street, to acquire any land otherwise than by agreement, they may, if they think fit, notwithstanding anything in any enactment, apply to the Ministry of Home Affairs for an order vesting the land in the local authority in accordance with, and subject to, the provisions of the Schedule to this Act, and the Ministry of Home Affairs shall have power to make such order.

Prevention of obstruction to view at corners.

2.—(1) Where a local authority are of opinion that it is necessary, for the prevention of danger arising from obstruction to the view of persons using a road maintainable by the authority, to impose restrictions with respect to any land at or near any corner or bend or road junction in such road, the local authority may serve a notice—

(*a*) upon the owner or occupier of the land directing him to alter the height or character of any wall (not being a wall forming part of the structure of a permanent edifice), fence or hedge thereon so as to cause it to conform with any requirements specified in the notice; or

(*b*) upon every owner, occupier and lessee of the land restraining them, either absolutely or subject to such conditions as may be specified in the notice, from permitting any building, wall, fence or hedge to be erected or planted on the land:

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Provided that—

(i) there shall be annexed to any notice served under this section a plan showing the land to which the notice relates;

(ii) notice of the right of objection shall be endorsed on the notice; and

(iii) the owner or occupier of any land shall not be restrained by a notice served under this section from executing or permitting the reconstruction or repair, in such manner as not to create any new obstruction to the view of persons using the roads adjacent to the land, of any building (including a temporary erection to which this section applies) which was upon the land before the service of the notice.

(2) Any restrictions imposed by a notice served under this section shall come into force upon the service of the notice, and shall remain in force until the notice is withdrawn by the local authority by whom it was served, and any such restrictions shall, while in force, be binding upon any successor in title to the owner or occupier or lessee of the land to which they relate, unless he proves that when he became the owner or occupier or lessee of the land he had, after making due inquiries from, amongst other sources, the local authority, no reasonable cause to suspect that any such restrictions were in force.

(3) If any person upon whom a notice has been served under this section objects to comply with any requirement of the notice, or objects to any restriction imposed thereby, he may, within twenty-one days after receipt of the notice, send his objection in writing, stating the grounds thereof, to the authority by whom the notice was served, and thereupon the question whether the notice shall be withdrawn as respects any requirement or restriction objected to shall be determined, if the parties so agree, by a single arbitrator appointed by them, or, in default of such agreement as aforesaid, shall be determined by the Ministry of Home Affairs, or by an arbitrator appointed by that Ministry whose decision shall be final as to whether the notice objected to shall be withdrawn or modified, and the costs of the reference shall be borne as such arbitrator shall direct.

In determining any question whether a notice shall be withdrawn as respects a requirement or restriction

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objected to, the arbitrator or Ministry shall have power to order that the requirement or restriction shall have effect subject to such modifications (if any) as the arbitrator or Ministry may direct.

(4) Any person upon whom a notice is served under this section shall have power, notwithstanding anything in any conveyance or in any lease or other agreement, to do all such things as may be necessary for complying with the requirements of the notice.

(5) Where notice has been served upon any person under this section, the local authority by whom the notice was served may, with the consent of that person, do on his behalf anything necessary for complying with the requirements of the notice.

Where any such person, within twenty-one days after the service upon him of the notice, signifies in writing to the local authority his assent to the doing by the local authority on his behalf of any such thing as aforesaid, such person shall not be liable to any penalty under sub-section (6) of this section.

(6) Subject to the provisions of this section, if any person upon whom a notice has been served under this section fails to comply with the requirements of, or acts in contravention of, the notice, he shall, without prejudice to any other proceedings which may be taken against him, be guilty of an offence, and shall be liable on summary conviction thereof to a penalty not exceeding five pounds, and any person so convicted shall within such time as the court may allow do all such things as may be necessary to conform to the requirements or restrictions imposed by the notice, and if he fails to do so he shall be deemed to commit a continuing offence, and shall be liable on summary conviction thereof to a penalty not exceeding forty shillings for each day upon which such failure continues.

(7) Any person upon whom a notice is served under this section shall be entitled to recover from the local authority by whom the notice was served any expenses reasonably incurred by him in carrying out any directions contained in the notice; and any person sustaining loss in direct consequence of any requirement of a notice served under this section, or any person who proves that his property is injuriously affected by restrictions imposed by any such notice, shall, if he makes a claim

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within six months after the service of the notice, be entitled to recover from the local authority by whom the notice was served compensation for the loss or injury sustained.

If any question arises whether compensation is payable under this provision, or as to the amount of any compensation so payable, the question shall be decided by the county court having jurisdiction where the land is situate, and a county court shall have jurisdiction to deal with any such question, notwithstanding that, by reason of the amount of claim or otherwise, the case would not, but for this provision, be within the jurisdiction of a county court.

(8) The improvement of a road by a local authority in exercise of their powers under this section shall, whether or not land is required to be purchased for the purpose, be deemed to be an improvement in respect of which the Ministry of Home Affairs is empowered to make advances under section eight of the Development and Road Improvement Funds Act, 1909, as amended by any subsequent enactment. 9 Edw. 7, c. 47.

(9) Nothing in this section shall—

(*a*) authorise the service of a notice under this section with respect to any wall forming part of an ancient monument or other object of archæological interest, except with the consent in writing of the Ministry of Finance; or

(*b*) apply with respect to any wall belonging to a railway company or to the owners, trustees or conservators acting under powers conferred by Parliament of any canal, inland navigation, dock or harbour, where the wall forms part of, or is necessary for the maintenance of, their railway, canal, inland navigation, dock or harbour; or

(*c*) apply with respect to any wall forming part of a conduit access chamber belonging to a sanitary authority or water commissioners and used by them in connection with the supply of water within their district or limits of supply.

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(10) This section shall apply to stacks of hay, corn or other produce, wood piles, wooden sheds and other similar temporary erections in like manner as it applies to a fence or hedge.

Lopping of hedges overhanging roads.

3.—(1) Where any hedge overhangs any road, street or footpath so as to obstruct or interfere with the light from any public lamp, or to endanger or obstruct the passage of vehicles or foot passengers or to obstruct the view of drivers of vehicles, the local authority may serve a notice on the owner of the hedge or on the occupier of the premises on which such hedge is growing, requiring him to cut or lop the hedge within fourteen days, so as to prevent such obstruction or interference, and in default of compliance the local authority may themselves carry out the requisition of their notice, doing no unnecessary damage, and may recover the cost in the county court as a debt due by the owner or occupier upon whom the notice was served.

(2) Any person aggrieved by any requirement of a local authority under this section may appeal to a court of summary jurisdiction within fourteen days after the service of notice as aforesaid, and the following provisions shall have effect with respect to any such appeal:—

(*a*) Notice in writing of the appeal and of the grounds thereof shall be given by the appellant to the clerk of the local authority;

(*b*) The court may make such order in the matter as they consider reasonable, and may award costs to be recoverable as costs in cases of a civil nature are recoverable under section twenty-two of the Petty Sessions (Ireland) Act, 1851;

14 & 15 Vict., c. 93.

(*c*) No proceeding shall be taken by the local authority, or work executed, until after the determination or abandonment of the appeal;

(*d*) Notice of the right of appeal shall be endorsed on the notice communicating the requirement of the local authority.

Prescription of building lines.

4.—(1) Subject to the provisions of this section, a local authority may by resolution prescribe, in relation to either side of any part of a road maintainable by them, a frontage line for building (in this section referred to as "a building line"):

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Provided that the Ministry of Home Affairs may by order direct that a building line shall not be prescribed under this section in relation to any class of road classified by that Ministry under sub-section (2) of section seventeen of the Ministry of Transport Act, 1919, until notification of the building line proposed has been sent to that Ministry and its observations with respect thereto have been considered.

9 & 10 Geo. 5, c. 50.

(2) Any building line proposed to be prescribed and every building line prescribed under this section shall be distinctly marked and shown on plans to be signed by, and deposited with, the clerk of the authority prescribing the building line, and the said plans shall be at all reasonable times thereafter open for the inspection of the public without charge; and any local authority prescribing a building line under this section—

(*a*) before the building line is prescribed shall give notice in writing of the proposal to prescribe it and of the times and place at which the plans aforesaid can be inspected, by serving a notice in writing upon every owner, occupier and lessee of land proposed to be affected, and shall consider any objection to the proposal made within six weeks after the service of the notice;

(*b*) within six weeks after the building line has been prescribed, shall cause the plan showing the building line to be sealed and authenticated by the signature of their clerk, and shall serve upon every owner, occupier and lessee of land affected a notice in writing of the prescription of the building line and of the times and place at which the said plan can be inspected.

(3) Where a building line prescribed under this section is in force it shall not be lawful, except with the consent of the authority by whom the building line was prescribed, to erect or make nearer to the middle of the road than the building line any new building, other than a boundary wall or fence, or any permanent excavation below the level of the road:

Provided that the consent of the local authority for the purposes of this sub-section may be given subject to such conditions as the authority think fit to impose,

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and any conditions so imposed shall be binding upon any successor in title to the owner, occupier or lessee of any land to which they relate.

(4) If any person erects or makes, or permits to be erected or made, any new building or permanent excavation in contravention of the provisions of this section, he shall, without prejudice to any other proceedings which may be taken against him, be guilty of an offence, and shall be liable on summary conviction thereof to a penalty not exceeding five pounds, and any person so convicted shall, within such time as the court may allow, remove any building erected, or fill in any excavation made, in contravention of this section, and if he fails to do so he shall be deemed to commit a continuing offence, and shall be liable on summary conviction thereof to a penalty not exceeding forty shillings for each day upon which such failure continues.

(5) Any person who proves that his property is injuriously affected by the prescription of a building line under this section shall, if he makes a claim within six months after the prescription thereof, or, in the case of an owner, occupier or lessee, within six months after the service upon him of a notice of the prescription thereof, be entitled to recover from the local authority by whom the building line was prescribed compensation for the injury sustained, and any question whether compensation is payable under this section, or as to the amount of any compensation so payable, shall in default of agreement be determined by an official arbitrator appointed under the Acquisition of Land (Assessment of Compensation) Act, 1919, and sections five and six of that Act shall apply accordingly:

9 & 10 Geo. 5, c. 57.

Provided that in determining any such question as aforesaid—

(*a*) no compensation shall be payable to any person in respect of anything done by him or on his behalf after the date of the service upon him of a notice of the proposal to prescribe a building line, except in respect of anything done in pursuance of a contract made, or for the purposes of finishing a building begun, before that date; and

(*b*) there shall be taken into account any benefit accruing to the person to whom compensation

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is payable, by reason of any improvement made or about to be made to the road.

(6) The powers conferred by this section shall be in addition to, and not in derogation of, any powers conferred by any other Act, and nothing in this section shall render a local authority liable to pay compensation in respect of the exercise of powers conferred upon them by any other Act with respect to frontage lines or building lines: Provided that sub-section (8) of this section shall apply in any case where a local authority propose to fix a building line or frontage line in the exercise of powers conferred upon them by any other Act, in like manner as it applies where a building line is proposed to be prescribed under this section.

(7) Nothing in this section shall affect—

(*a*) any right of statutory undertakers for gas, water, electricity, tramways or light railways to make any excavation for the purpose of laying, altering, repairing or renewing any main, pipe, electric line, duct, or other apparatus; or

(*b*) any land belonging to a railway company or to the owners, trustees or conservators, acting under powers conferred by Parliament, of any canal, inland navigation, dock or harbour, where the land is held by them for the purposes of their railway, canal, inland navigation, dock or harbour, except in so far as they may consent thereto; or

(*c*) any land specifically authorised by Parliament to be used by any statutory undertakers for the manufacture or storage of gas or the generating of electricity, or as a pumping station, conduit or reservoir for water, except in so far as the undertakers may consent thereto.

(8) Any consent required for the purposes of sub-section (3) or sub-section (7) of this section shall not be unreasonably withheld, and any question whether or not any consent so required is unreasonably withheld shall be determined by the Ministry of Home Affairs.

(9) Where a local authority propose to prescribe a building line extending to the boundary of their area,

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notification of the proposal shall be sent to the local authority of the area into which the road, in relation to which the building line is proposed to be prescribed, continues across the said boundary, and if, within three months after the receipt of such notification, the local authorities concerned do not agree as to whether a building line should be prescribed in relation to any part of the said road in continuation of the proposed building line, or otherwise as to the exercise of their respective powers under this section in relation to the road, the Ministry of Home Affairs shall have and may exercise the powers of all or any of those authorities under this section, or may make such other order as it may think fit; and no part of any building line prescribed by the Ministry of Home Affairs shall be altered except with the consent of that Ministry, and any order made by that Ministry as aforesaid shall be binding upon the local authorities concerned.

Power of local authorities to prohibit or restrict driving of vehicles on roads.

5.—(1) A local authority may, by order, prohibit or restrict, subject to such exceptions or conditions as to occasional user or otherwise as may be specified in the order, the driving of vehicles of any specified class on any specified road within the area of the local authority, in any case in which it appears to the local authority that the road is unsuitable in any respect for use by a vehicle of that class and would be damaged if used by such vehicle:

Provided that a local authority shall not make an order prohibiting or restricting the driving of any vehicle, whose wheels are fitted with pneumatic tyres, on a road classified under sub-section (2) of section seventeen of the Ministry of Transport Act, 1919, as a first-class or second-class road.

(2) A person aggrieved by an order made by a local authority under this section may, within such time and in such manner as may be prescribed by regulations of the Ministry of Home Affairs, appeal to that Ministry against the order, and the decision of that Ministry on the appeal shall be binding upon the local authority, and shall not be subject to appeal to any court.

(3) An order made by a local authority under this section shall take effect upon the giving of public notice thereof, but shall be subject to any decision given by the Ministry of Home Affairs on an appeal under sub-

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section (2) of this section; and the local authority shall give such public notice of the proposal to make an order, and of the order when made, and of any decision given by the Ministry of Home Affairs as aforesaid, as may be prescribed by regulations of that Ministry.

Subject as aforesaid, an order of a local authority under this section shall, unless previously revoked, continue in force for such period, not exceeding one year, as may be specified in the order, but shall be renewable for a further period not exceeding one year, and so from time to time; and the provisions of this section with respect to appeals and public notices shall apply in the case of the renewal of any such order.

(4) If any person acts in contravention of, or fails to comply with, any order in force under the foregoing provisions of this section, he shall be liable on summary conviction to a penalty not exceeding fifty pounds, and to a daily penalty not exceeding five pounds.

(5) All penalties recovered under this section shall be paid into the Exchequer of Northern Ireland in like manner as if they had been recovered under the Motor Vehicles (Traffic and Regulation) Act (Northern Ireland), 1926, and a sum equal to the proceeds thereof shall be charged on the Consolidated Fund of Northern Ireland, or the growing produce thereof, and paid to the Road Fund (Northern Ireland) under sub-section (2) of section twenty of that Act.

16 & 17 Geo. 5 c. 31.

(6) It shall not be obligatory for the Ministry of Home Affairs to hold a public inquiry before making an order for prohibiting or restricting the driving of vehicles under sub-section (4) of section seven of the Roads Act, 1920, if the said Ministry thinks that the holding of such inquiry is unnecessary; and that sub-section and article two of the Second Schedule to the said Act shall have effect accordingly.

10 & 11 Geo. 5 c. 72.

Power to provide parking places for vehicles

6.—(1) Where for the purpose of relieving or preventing congestion of traffic it appears to the council of any county borough or other urban district to be necessary to provide within their county borough or district (in this section referred to as "the district") suitable parking places for vehicles, the council may provide such parking places in accordance with the provisions of this section, and for that purpose may—

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(*a*) acquire land suitable for use as a parking place; or

(*b*) utilise any lands which may lawfully be appropriated for the purpose; or

(*c*) by order authorise the use as a parking place of any part of a street within the district: provided that no such order shall—

(i) authorise the use of any part of a street so as unreasonably to prevent access to any premises adjoining the street, or the use of the street by any person entitled to the use thereof, or so as to be a nuisance; or

(ii) be made in respect of any part of a street not maintainable by the council without the consent of the person responsible for the maintenance of the street.

For the purpose of the appropriation of lands under this section, the provisions of section ninety-five of the Public Health Acts Amendment Act, 1907, relating to appropriation of lands, shall be in force in every county borough or other urban district as if they had been declared to be in force therein by the Ministry of Home Affairs.

7 Edw. 7. c. 53

(2) Where the council of a county borough or other urban district propose to make an order under this section authorising the use as a parking place of any land forming part of a street, or propose to acquire or utilise any land for the purposes of this section, the council shall cause notice of the proposal to be published in at least one newspaper circulating within the district, and shall also cause a copy of such notice to be posted for not less than fourteen days on the land to which the proposal relates, and every such notice shall—

(*a*) specify the land to which the proposal relates; and

(*b*) notify the date (which shall not be less than twenty-eight days) within which any objection to the proposal shall be sent in writing to the council; and

(*c*) contain a notification of the right of appeal conferred by this section.

(3) Before carrying into effect any proposal of which notice is required by this section to be given,

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the council shall consider any objection to the proposal which is sent to them in writing within the time fixed in that behalf, and shall, after so considering it, give notice of their decision to the person by whom the objection was made, and if any person is aggrieved by any such decision he may, within twenty-one days after receiving notice thereof, appeal therefrom to the Ministry of Home Affairs, and the provisions of section two hundred and sixty-eight of the Public Health (Ireland) Act, 1878, shall apply to any such appeal.

41 & 42 Vict., c. 52.

(4) The council of a county borough or other urban district may take all such steps as may be necessary to adapt for use as a parking place any land, not being part of a street, which they may acquire or utilise under this section, and may appoint with or without remuneration such officers and servants as may be necessary for the superintendence of parking places.

(5) The exercise by a council of their powers under this section with respect to the use as a parking place of any part of a street shall not render them subject to any liability in respect of loss or damage to any vehicle or the fittings or contents of any vehicle parked in such parking place.

(6) The council of a county borough or other urban district may make bye-laws as to the use of parking places, and in particular as to the vehicles or class of vehicles which may be entitled to use any such parking place, as to the conditions upon which any such parking place may be used, and as to the charges to be paid to the council in connection with the use of any parking place not being part of a street, and a copy of any such bye-laws shall be exhibited on or near any parking place to which the bye-laws relate.

(7) Any order made under this section may be varied or revoked by a subsequent order made in like manner.

(8) In this section the expression "parking place" means a place where vehicles, or vehicles of any particular class or description, may wait.

Erection and use of petrol pumps along roads.

7.—(1) The local authority may, if they think fit, grant to any person a licence to erect, construct or place and maintain, in or under any road, street or footpath in their area, pumps, pipes or other appliances for supply-

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ing motor spirit to mechanically propelled vehicles drawn up in such road or street, and may by bye-laws—

(*a*) prescribe the period for which, and conditions upon which, such licence may be granted or withdrawn, and the conditions to be observed in connection with the use and construction of such pumps; and

(*b*) require the payment, in respect of a licence, of such annual fees as may be fixed by the bye-laws; and

(*c*) impose penalties for the erection or use of pumps, pipes or other appliances without a licence under this section.

In this section, the expression "motor spirit" means any inflammable hydrocarbon (including any mixture of hydrocarbons and any liquid containing hydrocarbon) which is capable of being used for providing motive power for a mechanically-propelled vehicle.

(2) Nothing in this section—

(*a*) shall affect or diminish the rights of the owner of the soil of any road, street or footpath to which a licence relates, or of any person claiming under the owner; or

(*b*) shall permit any appliance erected, constructed, placed or maintained under a licence to be used except in accordance with the regulations for the time being in force relating to the storage and sale of motor spirit.

Expenditure on direction posts, mile-stones and warning notices.

6 & 7 Will. 4, c. 116.

8.—(1) So much of section eighty of the Grand Jury (Ireland) Act, 1836 (as adapted by the Local Government (Adaptation of Irish Enactments) Order, 1899) as prevents a county council from expending a greater sum than one pound upon any one direction post, mile-stone or mile-post provided by the council under that section is hereby repealed.

The council of any urban district may incur reasonable expenditure in the provision and maintenance of direction posts, mile-stones or mile-posts.

(2) The power of a local authority, under subsection (2) of section seven of the Motor Vehicles (Traffic and Regulation) Act (Northern Ireland), 1926, to set up sign posts shall be deemed to include a power to set up

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mirrors for enabling a view of the traffic to be obtained at dangerous corners, crossings or other places on roads.

(3) The Ministry of Home Affairs shall have power to make advances out of the Road Fund (Northern Ireland) to a local authority towards the cost of providing direction posts, mile-stones or mile-posts as aforesaid, and setting up sign posts or mirrors under sub-section (2) of section seven of the Motor Vehicles (Traffic and Regulation) Act (Northern Ireland), 1926, as extended by sub-section (2) of this section ; and accordingly the expression "improvement of roads" in sub-section (5) of section eight of the Development and Road Improvement Funds Act, 1909, shall be construed as including the provision or setting up of such posts, mile-stones, or mirrors for any road.

Restriction on placing rails, beams, &c., over streets.

9.—(1) It shall not be lawful for any person to fix or place any overhead rail, beam, pipe, cable, wire or other similar apparatus over, along or across any road or street without the consent of the local authority, and any such consent shall be in writing and may contain such reasonable terms and conditions as the local authority think fit :

Provided that any consent required for the purposes of this section shall not be unreasonably withheld, and any question whether or not any consent so required is unreasonably withheld, or whether the terms or conditions to be contained in such consent are reasonable, shall be determined by the Ministry of Home Affairs.

(2) Any person acting in contravention of the provisions of this section, or of the terms and conditions (if any) of such consent, shall be liable on summary conviction to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(3) Nothing in this section shall extend to any works or apparatus belonging to any person authorised by Parliament to construct, work or carry on any railway, canal, inland navigation, dock, harbour, tramway, gas, electricity, water, or other public undertaking.

53 & 54 Vict., c. 59.

(4) Part II. of the Public Health Acts Amendment Act, 1890, shall cease to have effect as respects any sanitary district in which it is in force at the commencement of this section, but any bye-laws made by the

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sanitary authority under that Part of that Act shall nevertheless remain in force as respects that district until revoked by a resolution of the sanitary authority.

Prevention of water from flowing on footpath

10.—(1) The owner of any premises abutting on a road or street shall, within twenty-eight days after the service of a notice in writing by the local authority requiring him so to do, execute and thereafter maintain such eave-spouting, spouting, down-pipes, channels, or gutters as may be necessary to prevent, so far as is reasonably practicable, surface water from the premises from flowing on to, or over, the footpath of the road or street, and if he fails to do so he shall be liable on summary conviction to a penalty not exceeding five pounds, and to a daily penalty not exceeding twenty shillings.

(2) The provisions of this section shall be in addition to and not in derogation of the provisions of section seventy-four of the Towns Improvement Clauses Act, 1847.

10 & 11 Vict. c. 34.

Prevention of soil, &c., from being washed into streets.

11.—(1) The local authority may give notice to the owner or occupier of any lands abutting upon any road or street within their area which is maintainable by the local authority, requiring him, within twenty-eight days after the service of the notice, so to fence off, channel or embank the lands as to prevent soil or refuse from such lands from falling upon, or being washed or carried into, the road or street, or into any sewer or gully therein, in such quantities as will obstruct the roadway or choke up such sewer or gully.

(2) Any person to whom a notice under this section is addressed who shall fail, within twenty-eight days after the service of the notice, to execute the works therein specified shall be liable on summary conviction to a penalty not exceeding five pounds, and to a daily penalty not exceeding twenty shillings.

Projections against or in front of houses or buildings.

12.—(1) Any projection erected or placed against or in front of any house or building, which, by reason of being insecurely fixed or of defective construction or otherwise, is a source of danger to persons lawfully using a street within an urban district or town shall, for the purposes of sections sixty-nine and seventy of the Towns Improvement Clauses Act, 1847 (as incorporated with the Towns Improvement (Ireland) Act, 1854, or with any other

17 & 18 Vict., c. 103.

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enactment), be deemed to be an obstruction to the safe or convenient passage along the street, and those sections, including the penal provisions thereof, shall apply accordingly.

(2) Any such projection as aforesaid which is a source of danger to persons lawfully using a road within a rural district which is maintainable by the local authority, shall, for the purposes of this Act, be deemed to be part of a house built within thirty feet of the centre of a public road, and section nine of the Summary Jurisdiction (Ireland) Act, 1851, shall apply accordingly.

14 & 15 Vict., c. 92

Power to conduct experiments.

13.—(1) The Ministry of Home Affairs may, either by itself or through any authority or organisation approved by the said Ministry, conduct experiments or trials for the improvement of the construction of roads, or for testing the effect of various classes of vehicles on various types of roads, and may construct such roads and works, erect such plant, provide such accommodation, and, subject to the approval of the Ministry of Finance, incur such expenditure as may be necessary for the purpose.

(2) An experiment or trial under this section shall not be conducted on any road except with the consent of the local authority responsible for the maintenance of the road.

(3) If damage is caused to the property of any person by anything done in exercise of the powers conferred by this section, that person shall, unless the damage was caused or contributed to by his negligence, be entitled to recover compensation therefor from the Ministry of Home Affairs.

(4) All expenses incurred by the Ministry of Home Affairs under this section shall be paid out of the Road Fund (Northern Ireland).

Expenses of local authority and exercise of powers.

14.—(1) The expenses incurred under this Act by a local authority shall be defrayed as expenses incurred by the authority in exercise of their powers in relation to roads or streets, as the case may require; and the enactments relating to such expenses, including the provisions as to borrowing, shall apply accordingly.

(2) The powers conferred upon a local authority by this Act shall, as respects an urban district, be exer-

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cised by the council thereof, to the exclusion of the council of the county within which that district is comprised.

(3) Any powers of a council of a county (not being a county borough) under this Act, except powers with respect to the compulsory acquisition of land, may be exercised through a committee of members of the council appointed by the council.

(4) The provisions of this Act shall (except as otherwise therein expressly provided) be in addition to and not in derogation of the provisions of any local Act which is in force in any county borough or urban district.

Bye-laws

15. The provisions of sections two hundred and nineteen to two hundred and twenty-three, inclusive, of the Public Health (Ireland) Act, 1878, shall apply with respect to bye-laws made by any local authority under this Act.

Provisions as to notices, &c.

16.—(1) Subject as hereinafter provided, every notice which may be served under this Act may be served either by delivering it or leaving it at the usual or last known place of abode of the person on whom it is to be served, or by sending it by post as a registered letter addressed to him at his usual or last known place of abode, or, if that cannot be found, by fixing it on some conspicuous part of the land; and any such notice or document may be addressed, as the case may require, to the "owner," "occupier" or "lessee" of the land (describing it) without further name or description:

Provided that a notice requiring the owner or occupier of land to alter the height or character of any wall, fence or hedge thereon shall be served personally upon him or his agent, or upon some person having charge of his affairs, and if the notice is served upon the occupier a copy thereof shall be served upon the owner, or if it is served upon the owner a copy thereof shall be served upon the occupier of the land.

(2) Where any notice, order, consent, or other such document under this Act requires authentication by a local authority, the signature thereof by the clerk to, or other officer authorised by, the local authority, shall be sufficient authentication.

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Power of Ministry of Home Affairs to hold local inquiries. 13&14Geo.5, c. 31.

17.—(1) Sub-sections (1) and (3) of article thirty-two of the Schedule to the Local Government (Application of Enactments) Order, 1898, and section six of the Local Government Act (Northern Ireland), 1923, shall apply for the purpose of the carrying out by the Ministry of Home Affairs of any of its powers under this Act.

(2) The powers of the Ministry of Home Affairs under section two hundred and ten of the Public Health (Ireland) Act, 1878 (as applied by virtue of the enactments aforesaid) shall include a power to make orders as to the costs of parties appearing and heard at any inquiry caused to be made by the said Ministry for the purposes of this Act.

Crown rights.

18. Nothing in this Act shall affect prejudicially any estate, right, power, privilege or exemption of the Crown, and in particular nothing in this Act shall affect any works or apparatus belonging to the Postmaster-General.

Saving for Belfast Harbour Commissioners.

19. Nothing in the provisions of this Act which enable orders to be made for vesting land in a local authority shall apply so as to empower any such order to be made with respect to land belonging to the Belfast Harbour Commissioners, and held by those Commissioners for the purposes of their harbour undertaking, except with the consent of those Commissioners.

Interpretation.

20.—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

"Local authority" means the council of a county, county borough or urban district:

"Road" means a road or street maintainable at the cost of the local authority and includes a footpath:

"Street" has the same meaning as in the Public Health (Ireland) Acts, 1878 to 1918:

"Owner" has the same meaning as in the Public Health (Ireland) Acts, 1878 to 1918:

"Wall" includes any partition of whatsoever material constructed, and any bank:

"Fence" includes any hoarding or paling:

"Hedge" includes any tree or shrub, whether forming part of a hedge or not:

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"Building" includes any erection of whatsoever material and in whatsoever manner constructed, and any part of a building:

"New building" includes any addition to an existing building:

"Clerk" includes secretary:

"Daily penalty" means a penalty for each day on which any offence is continued after conviction therefor.

(2) References in this Act to enactments of the Parliament of the United Kingdom shall be construed as references to those enactments as they apply in Northern Ireland.

Short title.

21. This Act may be cited as the Roads Improvement Act (Northern Ireland), 1928.

SCHEDULE.

PRELIMINARY PROCEDURE.

1. The local authority, where they propose to acquire land otherwise than by agreement for the purpose of improving or widening an old road or street or making a new road or street, may submit to the Ministry of Home Affairs an application in the prescribed form for an order vesting in the local authority the land specified in the application.

2. Notice of the application shall be published by the local authority in the prescribed manner, and such notice shall be given both in the locality in which the land is proposed to be acquired and to the owners, lessees and occupiers of that land as may be prescribed.

Notice of the application shall also be given to such Government departments as may be prescribed.

3. On the expiration of one month after the publication of the notice of the application, the Ministry of Home Affairs, after considering all objections to the application which may have been presented to the said Ministry by persons interested in the land specified in the application, and after causing a local inquiry to be held (if the said Ministry thinks it necessary to do so) as to the propriety of making the order applied for, may make an order vesting in the local authority the said land, or so much thereof as the said Ministry thinks proper.

If a local inquiry is held as aforesaid, the local authority and all persons interested in the land, and such other persons as the person holding the inquiry in his discretion thinks fit to allow, shall be permitted to appear and to be heard at the inquiry, and before making the order, the Ministry of Home Affairs shall consider the report of the person who held the inquiry, and all objections made thereat.

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4. The order shall contain such provisions as the Ministry of Home Affairs thinks necessary for the purpose of carrying the order into effect, and may provide for the suspension of the operation of the order, or any part thereof, until the local authority have paid, or made provision to the satisfaction of the said Ministry for the payment of, compensation to persons interested in the land to which the order relates, or in land injuriously affected by the works proposed to be carried out by the local authority.

An order made by the Ministry of Home Affairs as aforesaid is in this Schedule referred to as a "vesting order."

5. A vesting order, when made, shall be final and have effect as if enacted in this Act; and the making thereof by the Ministry of Home Affairs shall be conclusive evidence that the requirements of this Schedule have been complied with, and that the order has been duly made and is within the powers of this Act.

Notice of the making of a vesting order shall be published by the local authority in the prescribed manner, and shall also be given to such persons and Government departments (including the Ministry of Finance) as may be prescribed.

OPERATION OF VESTING ORDER.

6. A vesting order shall be effectual to pass and vest in the local authority, as from such date as may be specified in the vesting order (in this Schedule referred to as "the date of vesting") an estate in fee simple in the land to which it relates, discharged from all claims, estates, incumbrances or charges whatsoever; and the rights and claims of all persons in respect of such land or any interest therein shall, as from the date of vesting, be transferred and attached, to the extent to which compensation may be payable in accordance with the provisions of this Schedule, to the rate or fund out of which the expenses of the local authority under this Act are defrayed (in this Schedule referred to as "the compensation fund"), and shall be discharged by payments out of the compensation fund.

In so far as a vesting order relates to land, the ownership of which is registered under the Local Registration of Title (Ireland) Act, 1891, the date of vesting shall, notwithstanding anything in the foregoing provisions of this article, be either the date specified in the vesting order as aforesaid, or the date of the lodgment of the vesting order with the registering authority under the said Act, whichever is the later.

7. A vesting order, or the title created by a vesting order (if it relates to land the ownership of which is registered as aforesaid), shall, forthwith upon production of such vesting order, be registered in the proper office for the registration of deeds or titles, as the case requires.

8. Where a vesting order relates to any land forming part of a holding which is subject to the future payment of an annuity under the Land Purchase Acts, it shall not be necessary for any consent or authority for the sub-division of the holding to be given under any enactment of those Acts.

9. On and after the date of vesting, the local authority may enter upon and use the land to which the vesting order relates.

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PROVISIONS AS TO ARBITRATION.

10. As soon as a vesting order has been made, any question of disputed compensation arising between the local authority and any person interested in any land to which the vesting order relates, or land injuriously affected by the works proposed to be carried out by the local authority, shall be referred to and determined by an official arbitrator; and the provisions of the Second Schedule to the Housing of the Working Classes Act, 1890 (except articles (14) to (27) inclusive), as amended by the Acquisition of Land (Assessment of Compensation) Act, 1919, shall apply accordingly, subject to such adaptations as the Ministry of Home Affairs may prescribe as being necessary for the purpose of making those provisions conform with the provisions of this Schedule.

11. In determining the amount of any disputed compensation, the official arbitrator shall have regard to the extent to which the remaining and contiguous lands and hereditaments, belonging to the same proprietor, may be benefited by the proposed work or road for which the land, to which the vesting order relates, is acquired by the local authority.

12. In determining the amount of any disputed compensation, the official arbitrator shall not award any sum of money for or in respect of any improvement or alteration made, or building erected, after the date of the giving by the local authority of the notice prescribed for the purposes of article two of this Schedule, if, in the opinion of the arbitrator, the improvement, alteration or building, in respect of which the claim is made, was made or erected with a view to obtaining or increasing compensation; nor, in the case of any estate or interest created after the said date in any land to which the vesting order relates, shall any sum of money be awarded so as to increase the total amount of compensation which would otherwise have been required to be paid in respect of the acquisition of such lands.

13. An official arbitrator may, within one month after the making by him of an award, correct any mistake therein, or supply any accidental omission therefrom.

14. When the amount of the compensation has been determined by the official arbitrator, the local authority shall publish in each of two successive weeks, in some newspaper or newspapers circulating in the locality where the land acquired is situate, a notice requiring all persons claiming any interest therein to deliver to the local authority on or before a day to be named in such notice (such day not being earlier than twenty-one days from the date of the second publication of the notice) a short statement in writing of the nature of such claim and a short abstract of the title on which the same is founded.

15. Within thirty days from the delivery of such statement and abstract, the local authority shall, where it appears to them that any person so claiming is absolutely entitled to the interest in the compensation fund claimed by him, pay to such person the compensation to which he is entitled, on obtaining from him a receipt for the same in the prescribed form.

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SATISFACTION OF CLAIMS ATTACHED TO COMPENSATION FUND.

16.—(*a*) The local authority, before paying out of the compensation fund to any person any compensation (whether the amount thereof has been settled by agreement or determined by the official arbitrator) shall obtain from that person a receipt in the prescribed form which shall be prepared by, and executed at the cost of, the local authority, and such receipt shall operate to release the compensation fund from all claims by the person giving it and all parties claiming through or under him.

(*b*) The local authority shall pay the costs of furnishing any statement, abstract or other evidence of title required by them to be furnished by any person claiming any interest in the compensation fund.

17.—(*a*) Where the compensation payable (whether the amount thereof has been settled by agreement or determined by the official arbitrator) to any person claiming any interest in the compensation fund does not exceed the sum of one hundred pounds, and the claimant makes a statutory declaration in the prescribed form stating whether he claims as absolute or as limited owner, and gives primâ facie evidence which satisfies the local authority that for not less than six years immediately preceding he, or his immediate predecessor in title, has been personally or by an agent in receipt of the rents or profits of the land in respect of which compensation is payable, or in actual occupation thereof, the local authority may pay to the person claiming as absolute owner the compensation payable for the interest in respect of which he claims, and, in the case of a person claiming as limited owner of the interest in respect of which he claims, the local authority may pay the compensation payable for that interest to the trustees of the settlement under which such limited owner claims, or, where there are no such trustees, may pay such compensation into court in accordance with the provisions of article nineteen of this Schedule.

(*b*) Where any compensation not exceeding the sum of one hundred pounds is payable in respect of an interest which is subject to any mortgage or charge (not being a charge consisting of an annuity under the Land Purchase Acts, or a charge in respect of any sums repayable in respect of a loan or advance made by any Government department), the compensation may be paid to the person entitled to the mortgage or charge, or, if there is more than one such mortgage or charge, then to the person entitled to the mortgage or charge which is first in priority, and the amount so paid shall be received in reduction of the principal sum for the time being owing in respect of the mortgage or charge, notwithstanding any direction, proviso or covenant to the contrary contained in any instrument. Where the compensation is paid to a mortgagee or chargeant, the receipt given by the mortgagee or chargeant shall release the compensation fund from all claims by him and any subsequent mortgagee or chargeant, and also from all claims by the person creating the mortgage or charge and all persons claiming through or under that person.

(*c*) A memorandum of the amount paid under the last preceding paragraph shall, when practicable, be endorsed on the instrument creating the mortgage or charge, and shall be signed by the person

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receiving the compensation, and a copy of the memorandum shall be furnished by the local authority at their expense to all persons appearing to the local authority to be entitled to any interest in the land subject to the mortgage or charge.

18. Any person claiming to be entitled to any money paid to another person pursuant to the foregoing provisions of this Schedule may, within six years after the payment has been made, on giving such notice as may be required by rules of court, apply for relief in manner provided by those rules to the High Court where the amount claimed exceeds one thousand pounds, or to the county court within the jurisdiction of which the land in respect of which the money has been paid is situate, where the amount claimed does not exceed one thousand pounds; and the court may either dismiss the application, or give judgment or make a decree against the local authority for the amount found due in respect of the claim, and in the latter case the said amount shall be a debt due to the local authority by the person to whom the money was paid by them, and arising at the date of such judgment or decree.

19. If it appears to the local authority that any person claiming an interest in the compensation fund is not absolutely entitled to that interest, or is under any disability, or that his title is not satisfactorily deduced, or if any such person refuses to produce his title, or to accept the compensation as determined by the official arbitrator, or if no claim has been made to the compensation within a year after it has been determined, then—

(*a*) if the total amount of the compensation does not exceed one thousand pounds the local authority shall pay the money into the county court, and that court shall have with respect thereto all the jurisdiction exerciseable by the High Court under the Lands Clauses Acts;

(*b*) if the amount of the compensation exceeds one thousand pounds, the amount payable by the local authority shall be paid, applied and dealt with in accordance with the provisions of the Lands Clauses Consolidation Act, 1845, with respect to the purchase money or compensation coming to parties having limited interests, or prevented from treating, or not making title, and those provisions shall have effect accordingly.

20. In the following cases, namely:—

(*a*) Where a party named in the arbitrator's award is dissatisfied with the amount of compensation awarded to him, and such amount exceeds one hundred pounds; and

(*b*) Where any party (other than a party named in the arbitrator's award) claiming any interest in any moneys so paid into court as aforesaid is dissatisfied with the amount of compensation in respect of which such moneys are paid into court, and such amount exceeds one hundred pounds; and

(*c*) Where the local authority are dissatisfied with the amount of compensation which the arbitrator has awarded to be paid by them to any person in respect of any estate or interest in lands, and such amount exceeds one hundred pounds;

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the party dissatisfied may, notwithstanding anything contained in section six of the Acquisition of Land (Assessment of Compensation) Act, 1919, appeal to the county court having jurisdiction where the land, in respect of which the compensation is payable, is situate on the question of the proper amount of compensation; provided that such party has given notice, in writing, to the other party of the intention to appeal within ten days after the cause of appeal has arisen.

The cause of appeal shall be deemed to have arisen—

(i) in a case to which paragraph (*a*) of this article applies, at the date of the last publication of the notice of deposit of the award pursuant to the Second Schedule to the Housing of the Working Classes Act, 1890;

(ii) In a case to which paragraph (*b*) of this article applies, at the date upon which the local authority give notice of the payment into court;

(iii) In a case to which paragraph (*c*) of this article applies, at the date of the deposit of the award at the office of the local authority pursuant to the Second Schedule to the Housing of the Working Classes Act, 1890.

21. The local authority shall pay interest at the rate of five pounds per cent. per annum upon the compensation money, from the date of vesting of the land in respect of which the compensation is payable until the time of the payment of such money and interest to the party entitled thereto, or, where such compensation is paid into court, then until the sum with such interest is paid into court accordingly.

22. The payment of the compensation in the manner provided by article nineteen of this Schedule shall operate to discharge the compensation fund from all claims and interests in respect of which such compensation is payable.

23. For the purposes of article nineteen of this Schedule, section seventy-two of the Lands Clauses Consolidation Act, 1845, shall have effect as if "one hundred pounds" were substituted therein for "twenty pounds."

24. Rules of court regulating the practice, procedure and costs in the county court under this Schedule shall be made by the authority having power to make rules and orders for regulating the practice of the civil bill courts.

SUPPLEMENTARY.

25. In this Schedule the expression "prescribed" means prescribed by regulations made by the Ministry of Home Affairs.

26. In any case where a vesting order is made, the provisions of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement shall not apply, except as otherwise expressly provided by this Schedule.

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CHAPTER 11.

An Act to provide for the application to Northern Ireland of such Act as may be passed in the present session of the Parliament of the United Kingdom for amending the National Health Insurance Act, 1924, and other enactments relating to health insurance, and otherwise to amend the law relating to health insurance as respects Northern Ireland. [4th June, 1928.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows :—

Application to Northern Ireland of Act passed by United Kingdom Parliament 14 & 15 Geo. 5. c. 38.

1.—(1) In the event of any Act (in this Act referred to as "the United Kingdom Act") being hereafter passed in the present session of the Parliament of the United Kingdom to amend the National Health Insurance Act, 1924 (in this Act referred to as "the principal Act") and other enactments relating to health insurance, and enacting that the United Kingdom Act, so far as it relates to matters with respect to which the Parliament of Northern Ireland has power to make laws, shall apply to Northern Ireland (subject to such modifications as may be specified in the United Kingdom Act) upon being extended thereto either by Act of the Parliament of Northern Ireland or by an Order of the Governor of Northern Ireland in Council made in pursuance of an Act of the Parliament of Northern Ireland, then in those events the United Kingdom Act shall come into operation in Northern Ireland, as respects the matters aforesaid, on the date which is declared by the Governor of Northern Ireland in Council to be the date on which it comes into operation as respects matters other than the matters aforesaid.

(2) An Order in Council made for the purposes of sub-section (1) of this section may make such modifications and adaptations of any enactments relating to health insurance as appear necessary or expedient for the extension of the United Kingdom Act to Northern Ireland.

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(3) If the United Kingdom Act comes into operation in Northern Ireland as respects the matters aforesaid, there shall be paid out of moneys provided by the Parliament of Northern Ireland the additional cost of benefits under the principal Act, and the expenses of the administration of those benefits, (so far as such cost and expenses are payable out of moneys provided by the said Parliament) entailed by any provisions of the United Kingdom Act—

(*a*) making available for the purposes of the cost of benefits and the expenses of administration thereof sums forming part of the Deposit Contributors' Fund and the interest thereon, which at present are not available for those purposes ;

(*b*) including amongst the employments within the meaning of the principal Act—

(i) employment in the United Kingdom by way of manual labour under a contract for the performance of such labour for the purposes of any trade or business ;

(ii) employment as a master or member of the crew of any fishing or other vessel when the person so employed is remunerated by a share in the profits or gross earnings of the vessel.

Amendment of provisions of principal Act as to offences and legal proceedings

2.—(1) If any person, for the purpose of avoiding any payment to be made by himself under the principal Act or of enabling any other person to avoid any such payment, knowingly makes any false statement or false representation, he shall be guilty of an offence under sub-section (1) of section ninety-six of the principal Act, and accordingly in that sub-section after the words "for any other person" there shall be inserted the words "or if for the purpose of avoiding any payment to be made by himself under this Act or of enabling any other person to avoid any such payment."

(2) At the end of sub-section (2) of section ninety-six of the principal Act the following paragraph shall be added :—

"If the employer, being a company, fails to pay to the Ministry of Labour for Northern Ireland any sum which such company has been ordered to pay

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"under this sub-section, that sum or such part thereof as remains unpaid shall be a debt due, as from the date of the order for payment, to the said Ministry jointly and severally from any directors of the company who knew, or could reasonably be expected to have known, of the failure or neglect to pay the contribution or contributions in question."

(3) The following sub-section shall be substituted for sub-section (3) of section ninety-six of the principal Act :—

"(3) If any person buys, sells, or offers for sale, takes or gives in exchange, or pawns or takes in pawn, any insurance card, insurance book, or used insurance stamp, he shall be liable on summary conviction to a fine not exceeding twenty pounds, or to imprisonment for a term not exceeding three months with or without hard labour, or to both such fine and imprisonment; and in any proceedings under this sub-section with respect to used insurance stamps an insurance stamp shall be deemed to have been used if it has been cancelled or defaced in any way whatever, and whether it has been actually used for the purpose of payment of a contribution or not."

(4) The following sub-sections shall be substituted for sub-sections (1) and (2) of section ninety-seven of the principal Act :—

"(1) Notwithstanding any enactment prescribing the time within which proceedings may be brought before a court of summary jurisdiction, proceedings for any offence under this Act may be brought either within one year from the date of the commission of the alleged offence, or within three months from the date on which evidence sufficient in the opinion of the Ministry of Labour for Northern Ireland to justify a prosecution for the offence comes to its knowledge, whichever is the longer, and for the purposes of this provision a certificate purporting to be signed on behalf of the said Ministry as to the date on which such evidence as aforesaid came to its knowledge shall be conclusive evidence thereof.

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"(2) Where an employer has been convicted under this Act of the offence of failing or neglecting to pay any contribution in respect of a person, then, if notice of the intention so to do is served with the summons or warrant, evidence may be given of failure or neglect on the part of that employer to pay other contributions in respect of that person during the two years preceding the date of the offence, and on proof of such failure or neglect the employer shall be liable under sub-section (2) of section ninety-six of this Act to pay to the Ministry of Labour for Northern Ireland a sum equal to the total amount of all the contributions which he is so proved to have failed or neglected to pay."

(5) In sub-section (1) of section ninety-eight of the principal Act (which relates to civil proceedings by an employee against an employer for non-compliance with the principal Act) after the words "from the employer as a civil debt" there shall be inserted the words "or in the county court by civil bill as a debt due from the employer."

(6) At the end of sub-section (3) of section one hundred and twenty-four of the principal Act (which relates to legal proceedings and disputes in Northern Ireland) there shall be added the words "or in the county court by civil bill at the suit of the Ministry."

Amendments of Part I. of 16 & 17 Geo. 5, c. 11, as to application of certain sums.

3.—(1) Section two of the National Health Insurance Act (Northern Ireland), 1926 (which enables certain sums to be applied, out of the funds out of which benefits are payable, for the purpose of meeting the cost of medical certification and any expenses incurred by the Ministry of Labour in connection with the administration of benefits) shall have effect as if in sub-section (1) of that section for the words "two shillings and four pence" there were substituted the words "two shillings and eight pence."

(2) The following section shall be substituted for section four of the National Health Insurance Act (Northern Ireland), 1926:—

"Such part of the sums which under sub-section (2) of section sixty-eight of the principal Act are to be carried to the Central Fund as may be required for the purposes specified in this

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"section, instead of being carried to that Fund, shall be applied for those purposes as follows :—

(*a*) There shall out of the said sums, in the first place, be credited to approved societies in accordance with a scheme to be made by the National Health Insurance Joint Committee, with the approval of the Ministry of Finance, such part of those sums as the said Committee may direct, and any sums so credited shall be applied by the society, in such manner as the scheme may provide, for the purpose of preventing such members of the society as are in arrears from having or continuing to have their rates of sickness, disablement and maternity benefit reduced by greater amounts than such amounts as may be fixed in the scheme ;

(*b*) The said sums shall, in the second place, be applied from time to time in defraying the amount, as estimated by the Ministry of Finance, of such part of the cost incurred by Government departments in connection with the provision of insurance stamps and cards and the sale of insurance stamps as may be attributable to national health insurance."

This sub-section shall have effect as from the second day of January, nineteen hundred and twenty-eight.

Short title, citation and construction.

4.—(1) This Act may be cited as the National Health Insurance Act (Northern Ireland), 1928; and the National Health Insurance Acts (Northern Ireland), 1924 and 1926, the United Kingdom Act (so far as it applies to Northern Ireland) and this Act may be cited together as the National Health Insurance Acts (Northern Ireland), 1924 to 1928.

(2) This Act shall be construed as one with the principal Act, as amended by the United Kingdom Act.

(3) References in this Act to enactments of the Parliament of the United Kingdom shall, unless the context otherwise requires, be construed as references to those enactments as they apply in Northern Ireland.

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CHAPTER 12.

An Act to apply a Sum out of the Consolidated Fund of Northern Ireland to the service of the year ending on the thirty-first day of March, nineteen hundred and twenty-nine, and to appropriate the Supplies granted in this Session of Parliament. [4th June, 1928.]

A.D. 1928.

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, for the purpose of making good the supply and applying the sums which the House of Commons have, in pursuance of recommendations from the Governor of Northern Ireland, granted to His Majesty in this Session of Parliament, as follows:—

GRANT OUT OF CONSOLIDATED FUND.

Issue of £4,980,793 out of the Consolidated Fund.

1. The Ministry of Finance may issue out of the Consolidated Fund of Northern Ireland, and apply towards making good the supply granted to His Majesty for the service of the year ending on the thirty-first day of March, nineteen hundred and twenty-nine, the sum of four million, nine hundred and eighty thousand, seven hundred and ninety-three pounds.

Power for the Ministry of Finance to borrow.

2.—(1) The Ministry of Finance may borrow from any person, by the issue of Treasury Bills or otherwise, on the credit of the said sum, any sum or sums not exceeding in the whole two million, five hundred thousand pounds.

(2) The date of payment of any Treasury Bills issued under this section shall be a date not later than the thirty-first day of March, nineteen hundred and twenty-nine, and section six of the Treasury Bills Act, 1877 (which relates to the renewal of bills) shall not apply with respect to those Bills.

40 & 41 Vict., c. 2.

(3) Any money borrowed otherwise than on Treasury Bills shall be repaid, with any interest due thereon, out of the growing produce of the said Consolidated Fund at any date not later than the quarter next succeeding to that in which the money was borrowed.

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(4) Any money borrowed under this section shall be placed to the credit of the account of the Exchequer of Northern Ireland, and shall form part of the said Consolidated Fund, and be available in any manner in which such Fund is available.

APPROPRIATION OF GRANTS.

Appropriation of grants.

3. The sums granted by this Act and the other Act mentioned in Schedule (A) of this Act out of the said Consolidated Fund towards making good the supply granted to His Majesty, amounting, as appears by the said Schedule, in the aggregate to the sum of six million, nine hundred and seventy-five thousand, five hundred pounds, eleven shillings and six pence, are appropriated, and shall be deemed to have been appropriated as from the date of the passing of the Acts mentioned in the said Schedule (A), for the several services and purposes expressed in Schedule (B) of this Act.

In addition to the sums hereby granted out of the said Consolidated Fund, there may be applied as appropriations in aid of the grants for the several services and purposes specified in Schedule (B) of this Act the sums respectively set forth in the last column of the said Schedule (B), and any of the sums set forth in that column may be so applied, notwithstanding that some part thereof may be derived from sums granted by Act of Parliament for other services specified in the said Schedule (B).

Declaration required in certain cases before receipt of sums appropriated.

4.—(1) A person shall not receive any payment out of a grant which may be made in pursuance of this Act for civil or police non-effective services, until he has subscribed such declaration as may from time to time be prescribed by a warrant of the Ministry of Finance before one of the persons prescribed by the warrant:

Provided that the Ministry of Finance may dispense with the production of a declaration under this section in respect of any payment if such a declaration has been subscribed within a period of three calendar months preceding the date of the payment.

(2) Any person who makes a declaration for the purpose of this section knowing the same to be untrue in any material particular shall be guilty of a misdemeanour.

Short title.

5. This Act may be cited as the Appropriation Act (Northern Ireland), 1928.

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SCHEDULE (A).

GRANTS OUT OF THE CONSOLIDATED FUND.

Section 3

	£ s. d.
For the service of the year ended on the 31st day of March, 1927 :—	
Under Act 18 Geo. 5, c. 1	2,800 11 6
For the service of the year ended on the 31st day of March, 1928 :—	
Under Act 18 Geo. 5, c. 1	95,757 0 0
For the service of the year ending on the 31st day of March, 1929 :—	
Under Act 18 Geo. 5, c. 1	1,896,150 0 0
Under this Act	4,980,793 0 0
TOTAL ..	£6,975,500 11 6

SCHEDULE (B).

PART I.

Section 3

	Sum Granted.	Appropriations in Aid.
	£ s. d.	£ s. d.
Sum granted to make good an excess on the grant for old age pensions for the year ended on the 31st day of March, 1927	2,800 11 6	659 11 0

PART II.

SCHEDULE of sums granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several Services herein particularly mentioned for the year ended on the 31st day of March, 1928, viz. :—

No.		Sums Granted.	Appropriations in Aid.
	CLASS I.	£	£
2.	For the salaries of the Department of the Prime Minister and the salaries of the Cabinet Secretariat, including the expenses of the Privy Council Office	2,326	—

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SCHEDULE (B)—PART II.—*continued.*

No. CLASS II.	Sums Granted. £	Appropriations in Aid. £
1. For the salaries and expenses of the Ministry of Finance, including the administration of revenue services, valuation, registration, loan services, public works, charity funds, Stationery Office, teachers' pensions, old age pensions, Civil Service Commission, Ulster Savings Certificates, Loans Guarantee Act (Northern Ireland), 1922, Land Law Acts, collection of land purchase annuities and tithe rent charges, Intoxicating Liquor Acts (Northern Ireland), 1923, 1925 and 1927, the Census of Northern Ireland, 1926, and sundry agency services	3,496	—
3. For expenditure in respect of public works and buildings	2,255	3,526
4. For stationery, printing, paper, binding, books and office supplies for the public service, and for the Houses of Parliament, and for the production of the Belfast Gazette	1,500	—
5. For old age pensions under the Old Age Pensions Acts and under the Widows' Orphans' and Old Age Contributory Pensions Act (Northern Ireland), 1925, and for pensions under the Blind Persons Act, 1920	46,500	—
6. For superannuation, compensation, compassionate, and additional allowances and gratuities under the Superannuation Acts ; pensions and gratuities under the Civil Pensions Act (Northern Ireland), 1925, the Land Purchase (Ireland), Act 1891, and the Church Temporalities Fund Act (Northern Ireland), 1922 ; non-statutory allowances and gratuities awarded by the Ministry of Finance; and in respect of workmen's compensation insurance	1,685	—

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SCHEDULE (B)—PART II.—*continued.* A.D. 1928.

No.		Sums Granted.	Appropriations in Aid.
	CLASS IV.	£	£
2.	For the contributions and grants in aid of the cost of benefits and expenses of administration under the National Health Insurance Acts ..	14,000	—
	CLASS VI.		
2.	For the expenses of the Ministry of Agriculture in respect of agricultural education and research, improvement of live stock, agricultural development, agricultural statistics, afforestation and diseases of animals, including sundry grants in aid and certain capital expenditure	23,995	700

PART III.

SCHEDULE of sums granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several Services herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March, 1929, viz. :—

No.		Sums Granted.	Appropriations in Aid.
	CLASS I.	£	£
1.	For the salaries and expenses of the Senate and of the House of Commons, including a grant in aid ..	29,533	300
2.	For the salaries of the Department of the Prime Minister and the salaries of the Cabinet Secretariat, including the expenses of the Privy Council Office	12,195	—
3.	For a grant in aid of the Government Hospitality Fund	400	—

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No. CLASS II.	Sums Granted.	Appropriations in Aid.
	£	£
1. For the salaries and expenses of the Ministry of Finance, including the administration of revenue services, valuation, registration, loan services, public works, charity funds, Stationery Office, teachers' pensions, Civil Service Commission, Ulster Savings Certificates, Loans Guarantee Act (Northern Ireland), 1922, Land Law Acts, collection of land purchase annuities and tithe rent charges, Intoxicating Liquor Acts (Northern Ireland), 1923, 1925 and 1927, the Census of Northern Ireland, 1926, and sundry agency services	134,130	26,050
2. For the expenses of the Department of the Comptroller and Auditor-General	4,170	166
3. For expenditure in respect of public works and buildings	231,191	114,382
4. For stationery, printing, paper, binding, books and office supplies for the public service and for the Houses of Parliament and for the production of the Belfast Gazette	4,605	27,030
5. For superannuation, compensation, compassionate, and additional allowances and gratuities under the Superannuation Acts ; pensions and gratuities under the Civil Pensions Act (Northern Ireland), 1925, the Land Purchase (Ireland) Act, 1891, and the Church Temporalities Fund Act (Northern Ireland), 1922 ; non-statutory gratuities awarded by the Ministry of Finance ; and in respect of workmen's compensation insurance	3,885	—
6. For the salaries, allowances and expenses of the County Court service and of Resident Magistrates, and sundry miscellaneous legal expenses, including certain grants in aid ..	25,459	3,485
7. For the expenses in respect of secret services	2,500	—
8. For the salaries and expenses of the Public Record Office	2,874	—
9. For a contributory payment towards interest charges under section 2 (1) (*b*) of the Loans Guarantee Act (Northern Ireland), 1926 ..	4,680	—

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No.		Sums Granted.	Appropriations in Aid.
	CLASS III.	£	£
1.	For the salaries and expenses of the Ministry of Home Affairs ..	58,242	10,455
2.	For the salaries and expenses of the Royal Ulster Constabulary, including police women	746,831	86,420
3.	For the salaries and expenses of the Special Constabulary	66,784	20,400
4.	For the expenses of criminal prosecutions and other law charges, including the expenses of civil litigation and grant in relief of certain expenses payable by statute out of local rates	17,582	100
5.	For the expenses of prisons and the maintenance of criminal lunatics ..	46,878	9,300
6.	For the expenses of the Borstal Institution, reformatory and industrial schools, and places of detention ..	14,074	7,525
7.	For grants to local authorities in respect of health, housing, etc., and in relief of local rates	474,383	—
8.	For liabilities assumed by the Government of Northern Ireland in respect of certain decrees leviable on counties now comprised in the Irish Free State for criminal injury to property in Northern Ireland ..	6,000	1,150
	CLASS IV.		
1.	For the salaries and certain expenses of the Ministry of Labour ..	151,752	104,505
2.	For the contributions and grants in aid of the cost of benefits and expenses of administration under the National Health Insurance Acts ..	157,500	—
3.	For the contributions to the Unemployment Fund under the Unemployment Insurance Acts, and the Exchequer equalisation grant to the Unemployment Fund under the Unemployment Insurance (Agreement) Act (Northern Ireland), 1926 ..	900,000	—
4.	For grants to local authorities, etc., for assistance in carrying out approved schemes to relieve unemployment and for expenses in connection with training unemployed persons for overseas settlement ..	160,693	—

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No.		Sums Granted.	Appropriations in Aid.
	CLASS IV.—Continued.	£	£
5.	For the sum payable to the Ministry of Finance Pensions Account in accordance with the provisions of the Widows' Orphans' and Old Age Contributory Pensions Act (Northern Ireland), 1925	140,000	—
6.	For old age pensions under the Old Age Pensions Acts and under the Widows' Orphans' and Old Age Contributory Pensions Act (Northern Ireland), 1925, and for pensions under the Blind Persons Act, 1920	1,315,700	300
	CLASS V.		
1.	For the salaries and expenses of the Ministry of Education	70,084	—
2.	For the expenses of educational services	1,825,650	40,450
	CLASS VI.		
1.	For the salaries and expenses of the Ministry of Agriculture	67,955	5
2.	For the expenses of the Ministry of Agriculture in respect of agricultural education and research, improvement of live stock, agricultural development, agricultural statistics, afforestation and diseases of animals, including sundry grants in aid and certain capital expenditure	140,678	13,842
3.	For the salaries and expenses of the Ministry of Agriculture in respect of Ordnance Survey and Geological Survey	7,948	1,020
	CLASS VII.		
1.	For the salaries and expenses of the Ministry of Commerce	20,133	1,110
2.	For the expenses of the Ministry of Commerce in respect of harbours and railway, fishery and commercial services, including certain grants in aid	32,454	1,206

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CHAPTER 13.

A.D. 1928.

An Act to amend the Fisheries (Ireland) Acts, 1842 to 1921, to provide for the regulation of the sale of salmon, trout and eels, and to make further provision for the preservation of the fisheries in Northern Ireland. [4th June, 1928.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows :—

PART I.

ELECTION AND MEMBERSHIP OF BOARDS OF CONSERVATORS.

Tenure of office of existing and future boards.

1.—(1) All conservators of fisheries holding office at the passing of this Act shall continue in office until the seventh day of November, nineteen hundred and thirty, when they shall cease to hold office, and new boards of conservators shall be elected prior to that date to hold office from that date.

13 & 14 Vict., c. 88.

(2) Section thirteen of the Fisheries (Ireland) Act, 1850, shall have effect as if for the words "three years from the time of their elections" there were substituted the words "five years from the seventh day of November in the year in which their elections are held."

Resignation of conservators.

2. Any elected member of a board of conservators may at any time by notice in writing delivered to or served by post upon the clerk of the board resign his membership of the board, whereupon the seat of such member upon the board shall become vacant.

Filling of casual vacancies on boards.

3.—(1) Whenever during the term of office of any board of conservators the seat of any elected member of the board becomes vacant by death, resignation, or incapacity, it shall be lawful for the other members of the board or such of them as shall be present, by resolution duly passed at a meeting of the board, to elect a person to be a member of the board during the residue of the term of office of the board in place of the member whose seat is so vacant. Any vacancy so arising shall be filled at or before the second meeting of the board after the vacancy occurs.

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(2) When the seat of any member of a board of conservators becomes vacant as aforesaid the other members of the board may, until the vacancy is filled under this section, continue to act notwithstanding such vacancy.

(3) Section ten of the Fisheries (Ireland) Act, 1850, is hereby repealed.

PART II.

RESTRICTIONS ON SALE, &C., OF SALMON, TROUT AND EELS.

Licences for the sale of salmon, trout and eels.

4.—(1) From and after the commencement of this section, and save as otherwise expressly provided in this Part of this Act, no person shall sell, expose for sale, or keep for sale at any place, any salmon, trout, or eels (other than salmon, trout, or eels dried, or preserved in tins or other containers or cooked and prepared for consumption at a meal) unless he is duly licensed under this Part of this Act to sell salmon, trout, or eels at such place.

(2) An applicant for a licence to sell salmon, trout, or eels shall make an application in writing in the prescribed form to the clerk of the board of conservators of the district in which the place where it is proposed to sell is situated, and shall forward therewith a certificate signed by a justice of the peace that the said applicant is a fit and proper person to receive such licence, and the said board may thereupon issue through their clerk to such applicant a licence in the prescribed form to sell salmon, trout, and eels at such place, and may in like manner from time to time renew, in the prescribed form, any such licence so issued by them, unless the same has been terminated under this Part of this Act.

(3) When a board of conservators refuses to grant a licence or renewal of a licence to sell salmon, trout, or eels to an applicant who has complied with the provisions of the foregoing sub-section, the applicant may appeal in the prescribed form to the Ministry of Commerce, and the said Ministry shall thereupon give to the said board of conservators fourteen clear days' notice in writing of the said Ministry's intention to consider the said appeal, and after taking into consideration any representations which the said board may make before the expiration of such notice, the said Ministry may, if it deems it expedient to do so, grant to the applicant a licence or renewal of a

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licence, which shall have the same effect as if it had been granted by the said board.

(4) A fee of five shillings shall be payable by the licence holder in respect of each such licence or renewal of licence to the board of conservators by whom the licence or renewal of licence is granted, and a separate and distinct licence shall be taken out by every person proposing to sell salmon, trout, or eels in respect of each separate and distinct place or set of premises where it is proposed to sell the same.

(5) Every such licence shall be terminated by—

(*a*) the death of the holder; or

(*b*) revocation by the Ministry of Commerce under this Part of this Act; or

(*c*) surrender by the holder.

(6) Every such licence and every renewal thereof shall (unless the licence is previously terminated) continue in force until the expiration of the calendar year in which the licence was granted or last renewed, as the case may be, and shall then expire.

(7) If the holder of a licence to sell salmon, trout, or eels is convicted of an offence under the Fisheries Acts or this Act, the Ministry of Commerce may revoke such licence: Provided that the said Ministry shall give to the holder of the licence and the board of conservators by whom the licence was issued fourteen clear days' notice of the intention to revoke the licence, and shall consider any representations which the holder or the board may make to the said Ministry before the expiration of such notice.

Prohibition of sale of salmon, &c. without licence.

5. After the commencement of this section any person who—

(*a*) sells, exposes for sale, or keeps for sale any salmon, trout, or eels for the sale of which he is not duly licensed; or

(*b*) sells, exposes for sale, or keeps for sale any salmon, trout, or eels at a place other than that specified in any licence granted to him under this Part of this Act; or

(*c*) buys any salmon, trout, or eels from any person (other than a person to whom the requirements of this Part of this Act with respect to licences do not apply) who is not duly licensed to sell

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the same under this Part of this Act, except in a case where the purchaser proves that he had reasonable grounds for supposing that the seller was duly licensed;

shall be guilty of an offence under this Act.

Publication of licence.

6.—(1) Every holder of a licence for the sale of salmon, trout, or eels shall cause such licence to be displayed prominently during business hours in the place to which such licence relates.

(2) Lists of persons holding such licences as aforesaid may be published at such times and places, and in such manner and form, as the Ministry of Commerce may from time to time direct.

Register to be kept by holder of licence.

7.—(1) Every holder of a licence for the sale of salmon, trout, or eels shall keep or cause to be kept in the premises specified therein a register in the prescribed form of all purchases and receipts of salmon, trout, or eels for sale on such premises, and all sales of salmon, trout, or eels on such premises, and shall enter or cause to be entered therein the prescribed particulars (which shall not include any particulars as to price) of such purchases, receipts, and sales, and such particulars shall be entered in such register on the same day as that on which the purchases, receipts, or sales were made or received:

Provided that this sub-section shall not apply as respects any sale or sales made to any one person on any one day where the total weight of the fish sold to such person on that day does not exceed ten pounds.

(2) Any person authorised in that behalf by the Ministry of Commerce, any officer authorised in that behalf by a board of conservators, and any member of the Royal Ulster Constabulary of a rank not lower than sergeant, may inspect any register kept in pursuance of this section during such time as the premises to which the register refers are open for the carrying on of business; and it shall be the duty of the licence-holder and of every person keeping such register to produce for inspection by such authorised person, officer, or member of the Royal Ulster Constabulary such register, and also all invoices, consignment notes, receipts and other documents (including copies thereof where the originals are not avail-

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able) which may be required to verify any entry in or explain any omission from such register, and to allow such authorised person, officer, or member of the Royal Ulster Constabulary to take copies thereof or extracts therefrom.

(3) Any holder of a licence issued under this Part of this Act for the sale of salmon, trout, or eels who fails to comply with the provisions of this section, and any person who obstructs any person entitled under this section to inspect any register or document in the making of such inspection, or who wilfully or negligently makes or causes to be made in such register any entry which is false or misleading in any material particular, shall be guilty of an offence under this Act.

(4) For the purposes of this Part of this Act—

(*a*) the expression "licence" includes a renewal of a licence unless the context otherwise requires;

(*b*) a demand for inspection of a register or other document shall be deemed to have been duly made to the licence-holder if such demand is made verbally on the premises of the licence-holder to any person in his employment.

Savings

8.—(1) The foregoing provisions of this Part of this Act shall not apply to—

(*a*) a fisherman selling only fish of his own lawful capture;

(*b*) a person who does not sell or keep for sale fish at any fixed premises but goes from place to place or to other men's houses hawking or peddling fish.

(2) For the purposes of this Part of this Act the expression "trout" does not include pollen.

Marking of packages containing salmon, &c.

9.—(1) From and after the commencement of this section, every package containing salmon, trout, or eels in course of transit in Northern Ireland shall be marked conspicuously on the outside with the words "salmon and trout," or the word "salmon," or the word "trout," or the word "eels," as the case may require, and shall have also marked thereon or on a label affixed thereto the name and address of the consignor thereof.

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(2) Where any package containing salmon, trout, or eels is not marked in the manner required by this section any person—

(*a*) sending or consigning such package for transit in Northern Ireland;

(*b*) carrying such package in Northern Ireland for reward, except in a case where such person proves that he did not know or could not reasonably have known that such package contained salmon, trout, or eels;

shall be guilty of an offence under this Act.

Restrictions on capture or possession of eels.

10. Any person who—

(*a*) lands, buys, sells, or has in his possession eels any fourteen of which weigh less than seven pounds collectively; or

(*b*) has in his possession an eel or eels, other than dried or preserved eels, between the first day of April and the thirty-first day of May in any year, both dates inclusive; or

(*c*) captures or attempts to capture eels by any method whatsoever, and at any hour, between the tenth day of January and the thirty-first day of May in any year, both dates inclusive; or

(*d*) captures or attempts to capture eels by any method other than the use of long lines between sunrise and sunset from the first day of June in any year to the ninth day of January in the year following, both dates inclusive;

shall be guilty of an offence under this Act.

PART III.

LICENCE DUTIES.

Alteration of certain licence duties.

11 & 12 Vict., c. 92.
26 & 27 Vict., c. 114.
11 & 12 Geo 5 c 38.

11.—(1) The Fisheries Acts shall be construed and have effect as if for the several licence duties numbered 1, 4, and 6, in the Schedule to the Fisheries (Ireland) Act, 1848, as amended by the Salmon Fishery (Ireland) Act, 1863, and the Salmon and Freshwater Fisheries Act, 1921, there were substituted the licence duties following, that is to say:—

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1.	Single salmon rods	£1	10 0
4.	Draft nets (including draft nets for pollen) or seines	2	0 0
6.	Trammel nets	1	0 0

and, except as hereinafter provided, no board of conservators shall have authority to reduce or diminish the said licence duties.

(2) The licence duty for long lines for eels shall be two pounds, and no board of conservators shall have authority to reduce or diminish the said licence duties.

(3) If any board of conservators so determine and resolve, a licence for angling with a single salmon rod in their district during the limited period of fourteen days from the date of the licence may be issued on payment of the licence duty of one pound.

Amendment of s. 21 of 11 & 12 Vict., c. 92.

12. The powers conferred upon boards of conservators by section twenty-one of the Fisheries (Ireland) Act, 1848, to fix the licence duty payable on any engine, instrument, net, weir, or device to which the said section applies, shall be transferred to the Ministry of Commerce, and that Ministry may exercise those powers without any application being made to it by anyone in that behalf, and references in the said section to boards of conservators shall be construed, so far as applicable, as references to the said Ministry.

PART IV.

ADMINISTRATION AND LEGAL PROCEEDINGS.

Powers of inspection, examination and detention.

13.—(1) Every member of the Royal Ulster Constabulary, and every officer or servant of a board of conservators authorised in writing by such board to exercise the powers conferred by this section, and every officer of the Ministry of Commerce authorised by the said Ministry to exercise the powers conferred by this section, shall have power to do all or any of the following things, that is to say:—

(*a*) To stop and search any person conveying or believed to be conveying fish of any kind, or any instrument, poison or explosive used or adapted for taking fish illegally, and to inspect any fish and any such instrument which such

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person is found to be conveying, and for that purpose to open and search any vehicle or package in which such fish or instrument is or may be or is believed to be conveyed;

(*b*) At all reasonable times to enter upon and have free access to the interior of—

(i) any premises in which fish is or is believed to be sold, or kept, exposed, or stored for sale; or

(ii) any premises in which poison or explosive intended for the destruction of fish, or any instrument used or adapted for taking fish illegally, is believed to be kept; or

(iii) the premises of any person engaged in the business of carrying goods for reward; or

(iv) any pier, quay, wharf, jetty, dock or dock premises; or

(v) any ship, boat, railway wagon, motor lorry, cart, or other vessel or vehicle used for the conveyance of goods;

(*c*) To examine all fish found in any place which he is authorised by this section to enter, and for that purpose to open any package found in such place and containing or believed to contain fish;

(*d*) To stop, enter, and search, on any river, lake or estuary, or the shores thereof, any boat, barge, corach, or other vessel used or believed to be used for fishing or containing or suspected of containing fish illegally captured, and to examine all fish and all nets and other instruments used in fishing found therein, and for that purpose to open any package which contains or is suspected of containing any fish, nets, or other instruments as aforesaid;

(*e*) To take, remove, and detain in his custody any fish (either together with or without any package in which the same may be contained) found in the course of the exercise of any of the powers conferred by this section in respect of which an offence under the Fisheries Acts

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or this Act is being or is suspected of being committed, or which have been or are suspected of having been illegally captured;

(*f*) To take, remove, and detain in his custody any net or other instrument used in fishing or any article which is liable or is believed to be liable to forfeiture under the Fisheries Acts or this Act;

(*g*) To demand and take the name and address of the person having custody of any fish or other article which he is authorised under this section to examine, and also to demand and take from such person the name and address of the owner of such fish or other article.

(2) When any person detains in his custody under the authority of this section any fish or other article, he shall as soon as conveniently may be take such steps as may be proper to have the person guilty, or believed to be guilty, of the offence committed, or believed to have been committed, in relation to such fish or other article dealt with according to law.

(3) Where any person detains in his custody under the authority of this section any fish, and such fish is likely to become unfit for human food before the matter can conveniently be dealt with by any court, such person shall produce such fish to a justice of the peace, and, if authorised so to do by such justice of the peace, shall destroy such fish.

(4) A justice of the peace to whom any fish is produced in pursuance of this section shall, if he is of opinion that the fish ought in the circumstances to be destroyed, give to the person producing the fish a certificate in writing describing the fish and any marks, peculiarities, or other particulars thereof pointed out to him by such person, and authorising such person to destroy the fish; and such certificate shall be conclusive evidence in every court of all such matters of fact as aforesaid as are stated therein.

(5) No person shall be liable for any loss or damage occasioned by or in the course of the exercise of any of the powers conferred on him by this section, unless such loss or damage was caused by such person wantonly or maliciously.

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(6) Every person who obstructs or impedes any person in the exercise of any of the powers conferred on him by this section, or refuses to give his own name and address or the name and address (so far as known to him) of the owner of any fish or other article, when such name and address are demanded under the powers conferred by paragraph (*g*) of sub-section (1) of this section, shall be guilty of an offence under this Act.

Appointment and dismissal of clerks, officers, &c. of boards.

14.—(1) Every appointment of a clerk, or other officer or servant made by any board of conservators after the passing of this Act, and the salary, allowances, and tenure of office of every person so appointed, shall be subject to the approval of the Ministry of Commerce.

(2) The Ministry of Commerce may at any time by notice in writing require any board of conservators to suspend from duty or to dismiss any clerk or other officer or servant of the board, whom the said Ministry deems unfit for, or incompetent to discharge the duties of, his office or employment; and in the event of a board of conservators failing for a period of one month to comply with a notice under this section the said Ministry may suspend from duty or dismiss the clerk or other officer or servant mentioned in the notice.

Alteration of fishery districts and electoral divisions.

15.—(1) The Ministry of Commerce may—

(*a*) exercise the powers given by section six of the Fisheries (Ireland) Act, 1850 (which relates to the alteration of fishery districts and electoral divisions) without any such application as is mentioned in the said section;

(*b*) unite any two or more fishery districts or create new fishery districts, notwithstanding that the united or separate districts constituted do not contain any lower or tidal electoral divisions, and divide any fishery districts so created into two or more electoral divisions;

(*c*) fix the number of conservators to be elected for any new electoral division, or for any electoral division the boundaries of which have been altered, such number to be not more than nine nor less than three;

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(*d*) nominate conservators for any new electoral division, or for any electoral division the boundaries of which have been altered, or, if the said Ministry considers it expedient to do so, provide for the election of conservators for such electoral divisions, the persons nominated or elected to act as conservators until the seventh day of November, nineteen hundred and thirty, if elected before that date, or until the end of the next quinquennial period of office if nominated or elected after that date.

(2) The Ministry of Commerce may exercise the powers mentioned in the preceding sub-section without complying with the provisions of the Fisheries Acts with respect to the publication and description of the altered or new districts and electoral divisions:

Provided that the said Ministry shall publish a notice of the exercise of its powers under this section (specifying, in the case of alteration of fishery districts or electoral divisions, the place where the relevant maps or plans may be inspected) in such manner as the said Ministry may consider best adapted for informing persons affected by such exercise.

(3) Where the boundaries of any fishery districts have been altered, or a new fishery district or districts have been created under this section, the Ministry of Commerce may apportion the property and liabilities of the boards of conservators of fishery districts affected thereby, and may give to such boards and their officers such directions as may be necessary to give effect to such apportionment, and it shall be the duty of such boards and their officers to carry out the directions so given.

Notice of meetings and inquiries.

16. The provisions of the Fisheries Acts as to giving notice of a public inquiry or public meeting held under those Acts shall be deemed to have been complied with if, not less than fourteen days before the holding of such inquiry or meeting, notice of the time and place at which the inquiry or meeting is to be held, and of the matters to be inquired into or considered thereat, is given by printed notice distributed in such manner as may be directed by the Ministry of Commerce, and by advertise-

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ment inserted in one or more newspapers circulating in the district where the inquiry or meeting is to be held.

Penalties, constitution of courts and legal proceedings.

17.—(1) Any person guilty of an offence under this Act shall be liable, on summary conviction thereof, in the case of a first offence to a fine not exceeding ten pounds, and in the case of a second or any subsequent offence to a fine not exceeding twenty-five pounds, or, at the discretion of the court, to imprisonment for any term not exceeding three months, or to both such fine and imprisonment.

(2) Notwithstanding anything in the Fisheries Acts enacting that the sum payable as a penalty by a person convicted of certain offences under those Acts is to be not less than a certain sum, a court constituted as provided in sub-section (3) of this section shall have power to impose a penalty of less than such sum upon persons convicted of such offence, in any case where the court considers that such less penalty would meet the case.

(3) A court of summary jurisdiction, when trying any offence under the Fisheries Acts or under this Act, shall be constituted of a resident magistrate, sitting alone or with other resident magistrates, and a court of quarter sessions, when hearing and determining an appeal from such court of summary jurisdiction, shall be constituted of the county court judge or recorder sitting alone.

(4) A person aggrieved by any conviction or order made by a court of summary jurisdiction on determining any information or complaint under the Fisheries Acts, or under this Act, may appeal against the conviction or order in manner provided by the Summary Jurisdiction (Ireland) Acts.

40 & 41 Vict., c. 56.

(5) The provisions of section seventy-four of the County Officers and Courts (Ireland) Act, 1877, shall apply to orders of dismissal made by a court of summary jurisdiction under this Act.

(6) Notwithstanding anything in any enactment, a court to which any appeal is made under the Fisheries Acts or under this Act, may make an order for the payment by either of the parties to the appeal, or both of them, of the costs of the court, and of such reasonable costs and expenses of either of those parties, as the court thinks fit.

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PART V.

MISCELLANEOUS.

Use of nets, &c., for capture of fish other than salmon, trout or eels.

18.—Notwithstanding anything in this Act, or in any other enactment to the contrary, the Ministry of Commerce may permit the use by the owner of a several fishery, or by a person or persons authorised in writing by such owner, of nets or other engines of such size and description as may be prescribed for the capture of carp, tench, bream, roach, perch, pike, and other fresh-water fish, except salmon, trout, or eels, in any specified fresh-water river, canal, lake, or pond (or any part thereof), at any time of the year:

Provided that the said Ministry shall not authorise the use of any engine of a type or description the use of which during the open season for salmon is prohibited by any enactment or bye-law.

Exemptions for artificial propagation and scientific purposes.

19.—(1) The Ministry of Commerce may, by certificate in writing, if that Ministry thinks fit, and subject to such conditions as it may specify in the certificate, authorise the owner of a fishery, or, with the consent of such owner, any other named person, to do at any season of the year all or any of the following things:—

(*a*) To catch or attempt to catch within the limits of such fishery, and to have in his possession, any salmon or trout for the purpose of artificial propagation, and the young or fry of salmon, trout, and eels for the purpose of stocking that or any other fishery:

(*b*) To buy or sell ova and fry of salmon, trout, and eels for the purpose of artificial propagation or the stocking of that or any other fishery;

(*c*) To catch or attempt to catch, and to have in his possession for scientific purposes, any fish of any kind specified in the certificate.

(2) Notwithstanding anything to the contrary contained in any of the Fisheries Acts or this Act, any person to whom a certificate is granted under this section may, subject to the conditions specified in the certificate, do all or any of the things which he is authorised by the certificate to do.

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20.—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

16 Geo. 5, c. 4.

"Fisheries Acts" means the Fisheries (Ireland) Acts, 1842 to 1921, and includes the Administrative Provisions Act (Northern Ireland), 1926, so far as it amends, adapts or modifies the Fisheries Acts:

"Prescribed" means prescribed by the Ministry of Commerce:

6 & 7 Will. 4, c. 13. 12&13 Geo. 5, c. 8.

"Resident magistrate" means a magistrate appointed under the Constabulary (Ireland) Act, 1836, as amended by section six of the Constabulary Act (Northern Ireland), 1922:

"Salmon," "Trout," "Eel," and "Fish" include respectively part of a salmon, trout, eel and fish.

(2) References in this Act to enactments of the Parliament of the United Kingdom shall be construed as references to those enactments as they apply in Northern Ireland.

Commencement of Act.

21. The provisions of Part II. of this Act (except the provisions with respect to restrictions on capture or possession of eels) shall come into operation on such day as may be appointed by the Minister of Commerce, and different days may be appointed for different provisions of the said Part; and before any day so appointed public notice of the provisions coming into operation thereon shall be given in such manner as the said Minister may direct.

The provisions of Part III. of this Act shall come into operation on the first day of January, nineteen hundred and twenty-nine.

Save as aforesaid, this Act shall come into operation on the passing thereof.

Short title, construction and citation.

22. This Act may be cited as the Fisheries Act (Northern Ireland), 1928, and shall be construed as one with the Fisheries Acts; and those Acts and this Act may be cited together as the Fisheries Acts (Northern Ireland), 1842 to 1928.

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CHAPTER 14.

A.D. 1928.

An Act to amend the enactments which relate to the making of the appointments of Official Arbitrators, the Government Chemist, Auditors of Educational Endowments, and Officers for the purpose of obtaining probate or letters of administration in the case of small estates.

[4th June, 1928.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows :—

Amendment of 9 & 10 Geo. 5, c. 57 as to appointment of arbitrators in certain cases.

1.—(1) Where by or under any statute (whether passed before or after the passing of this Act) land is authorised to be acquired compulsorily by any local authority or by any public authority as defined for the purposes of the Acquisition of Land (Assessment of Compensation) Act, 1919, and any question arises which, under sub-section (1) of section one of the said Act, is required to be referred to, and determined by the arbitration of, a member of the panel of official arbitrators, such question shall, instead of being so referred and determined, be referred to, and determined by the arbitration of, an arbitrator appointed under this section.

(2) The Minister of Finance shall appoint one or more persons, having special knowledge of the valuation of land in Northern Ireland, to act as arbitrators for the purposes of this section, and the Acquisition of Land (Assessment of Compensation) Act, 1919, shall apply as respects arbitrations to be carried out by an arbitrator appointed under this section, with the following modifications :—

(*a*) So much of section one as relates to the manner in which arbitrators are to be appointed or selected shall not apply ;

(*b*) The Ministry of Finance shall be substituted for the Reference Committee in sub-section (7) of section three and section four of the said Act.

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(3) References in this section to the Acquisition of Land (Assessment of Compensation) Act, 1919, shall be construed as references to that Act as amended by the Referees and Arbitrators (Procedure) Act, (Northern Ireland), 1922.

12&13Geo.5. c. 9.

(4) Nothing in this section shall affect any proceedings for the determination of a question, for determining which a member of the panel of official arbitrators has, before the passing of this Act, been appointed by the Reference Committee.

Provisions as to Government Chemist for Northern Ireland.

2.—(1) The Minister of Finance shall appoint an officer to be the Government Chemist for Northern Ireland, and may remove such officer.

(2) Where, under any of the provisions of the Sale of Food and Drugs Acts, 1875 to 1907, as amended by or in pursuance of any subsequent enactment, any article of food or drug is to be sent for analysis to any Government department or officer of such a department, the article of food or drug shall, instead of being so sent, be sent to the Government Chemist for Northern Ireland at such place as may be prescribed for the purpose in regulations made under this section; and the said Chemist shall make an analysis and give a certificate to the justices or court of the result of the analysis.

(3) The Ministry of Finance may, by regulations, provide for the exercise and performance by the Chief Agricultural Analyst for Northern Ireland of any powers and duties of the Government Chemist for Northern Ireland, which may be prescribed in such regulations; and so long as such regulations are in force the said Chief Agricultural Analyst shall, for the purpose of the prescribed powers and duties, be deemed to be the Government Chemist for Northern Ireland, and the provisions of this section and of any other enactment relating to the Government Chemist for Northern Ireland shall have effect accordingly.

(4) The Ministry of Finance shall, after consultation with the Ministries of Home Affairs and Agriculture, make such regulations as are necessary for giving effect to this section, and shall give such public notice of any appointment, place or other matter prescribed by the regulations as the Ministry of Finance thinks necessary.

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(5) Nothing in this section shall prejudice the making of any arrangement under section sixty-three of the Government of Ireland Act, 1920, for the exercise and performance by the Principal Government Chemist at the Government Laboratory for Great Britain, on behalf of the Government Chemist for Northern Ireland, of any powers and duties of the last-mentioned officer.

10 & 11 Geo. 5. c. 67.

Audit of accounts of educational endowments. 48 & 49 Vict., c. 78.

3. Every scheme in force under the Educational Endowments (Ireland) Act, 1885, shall have effect as if the following provision for the periodical audit of the accounts of any endowment dealt with by the scheme were inserted therein in lieu of any provision in that behalf contained in the scheme, that is to say :—

"The governing body shall cause to be kept regular accounts of all their receipts and disbursements, in such manner and form as shall be from time to time prescribed or approved by the Ministry of Finance ; and the accounts for each year ending the thirty-first day of December or such other day as the said Ministry may appoint, or an abstract thereof, in such form as the said Ministry shall prescribe or approve, shall be submitted for audit, on or before the first day of March following or such other day as the said Ministry may appoint, to the Comptroller and Auditor-General for Northern Ireland. The Ministry of Finance may fix, and the governing body shall pay, such reasonable sum as shall be necessary to defray the cost of audit."

Accordingly, section seventeen of the said Act shall, so far as it relates to audit, be construed as requiring provision to be made as aforesaid, and as empowering the Comptroller and Auditor-General for Northern Ireland to carry out such audit.

Appointment for officers of purposes of s. 33 of 44 & 45 Vict., c. 12 and s. 16 of 57 & 58 Vict., c. 30.

4. The power of the Minister of Finance to appoint officers of the Ministry of Finance for the purposes of section thirty-three of the Customs and Inland Revenue Act, 1881, as amended by section sixteen of the Finance Act, 1894 (which sections relate to the obtaining of representation to the deceased where the gross value of his personal estate does not exceed five hundred pounds) shall include the power to appoint for those purposes such officers of any department of the Government of Northern Ireland as the said Minister may think fit.

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This section shall be without prejudice to the making of any arrangement under section sixty-three of the Government of Ireland Act, 1920, for the exercise and performance by officers of the Commissioners of Customs and Excise of any powers and duties in connection with the purposes aforesaid.

Short title and construction.

5.—(1) This Act may be cited as the Administrative Provisions Act (Northern Ireland), 1928.

(2) References in this Act to enactments of the Parliament of the United Kingdom shall be construed as references to those enactments as they apply in Northern Ireland.

CHAPTER 15.

An Act to extend the duration of the Civil Authorities (Special Powers) Act (Northern Ireland), 1922. [4th June, 1928.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

12&13 Geo.5, c. 5 to be extended in duration.

17&18 Geo.5. c. 14.

1.—The Civil Authorities (Special Powers) Act (Northern Ireland), 1922, shall continue in force until the thirty-first day of December, nineteen hundred and thirty-three, and shall then expire unless further continued, and so much of the Expiring Laws Continuance Act (Northern Ireland), 1927, as limits the duration of the first-mentioned Act, is hereby repealed.

Short title.

2.—This Act may be cited as the Civil Authorities (Special Powers) Act (Northern Ireland), 1928; and the Civil Authorities (Special Powers) Act (Northern Ireland), 1922, and this Act may be cited together as the Civil Authorities (Special Powers) Acts (Northern Ireland), 1922 and 1928.

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CHAPTER 16.

A.D. 1928.

An Act to continue certain Expiring Laws as respects Northern Ireland.

[18th December, 1928.]

WHEREAS the Acts (whether passed by the Parliament of the United Kingdom or by the Parliament of Northern Ireland) mentioned in the Schedule to this Act are, in so far as they are in force in Northern Ireland and are temporary in their duration, limited to expire on the thirty-first day of December, nineteen hundred and twenty-eight:

And whereas it is expedient to provide for the continuance as in this Act mentioned of those Acts, and of the enactments amending or affecting the same:

Be it therefore enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

Continuance of Acts in Schedule.

1.—(1) The Acts mentioned in the several Parts of the Schedule to this Act shall, to the extent specified in column three of that Schedule, be continued as respects Northern Ireland until the thirty-first day of December, nineteen hundred and twenty-nine, and shall then expire unless further continued.

(2) Any unrepealed enactments amending or affecting the enactments continued by this Act shall, in so far as they are temporary in their duration, be continued in like manner, whether they are mentioned in the Schedule to this Act or not.

Short title and construction.

2.—(1) This Act may be cited as the Expiring Laws Continuance Act (Northern Ireland), 1928.

(2) References in this Act to any enactments of the Parliament of the United Kingdom shall be construed as references to those enactments as they apply in Northern Ireland.

(3) Nothing in this Act shall be construed as affecting any enactment in so far as the enactment relates to a matter with respect to which the Parliament of Northern Ireland has not power to make laws.

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SCHEDULE.

PART I,

Enactments of the United Kingdom Parliament continued in their Duration.

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(1) 33 & 34 Vict., c. 112.	The Glebe Loan (Ireland) Act, 1870.	The whole Act.	34 & 35 Vict., c. 100. 49 & 50 Vict., c. 6.
(2) 46 & 47 Vict., c. 60.	The Labourers (Ireland) Act, 1883.	The whole Act.	48 & 49 Vict., c. 77. 49 & 50 Vict., c. 59. 54 & 55 Vict., c. 48. 54 & 55 Vict., c. 71. 55 & 56 Vict., c. 7. 59 & 60 Vict., c. 53. 61 & 62 Vict., c. 37. 3 Edw. 7, c. 37. 6 Edw. 7, c. 37. 7 Edw. 7, c. 44. 9 Edw. 7, c. 42. 1 & 2 Geo. 5, c. 19. 4 & 5 Geo. 5, c. 32. 8 & 9 Geo. 5, c. 20. 9 & 10 Geo. 5, c. 55. 13 & 14 Geo. 5, c. 23 (Northern Ireland). 17 & 18 Geo. 5, c. 4 (Northern Ireland).

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SCHEDULE—(continued).

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PART I.—(continued).

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(3) 2 & 3 Geo. 5, c. 2.	The Coal Mines (Minimum Wage) Act, 1912	The whole Act.	—
(4) 4 & 5 Geo. 5, c. 3.	The Grey Seals Protection Act, 1914.	The whole Act.	—
(5) 4 & 5 Geo. 5, c. 78.	The Courts (Emergency Powers) Act, 1914.	So far as it relates to orders made by any court before the thirty-first day of August, nineteen hundred and twenty-two.	5 & 6 Geo. 5, c. 19. 6 & 7 Geo. 5, c. 13. 6 & 7 Geo. 5, c. 18. 7 & 8 Geo. 5, c. 25. 9 & 10 Geo. 5, c. 64. 10 & 11 Geo. 5, c. 5. 14 & 15 Geo. 5, c. 21 (Northern Ireland).
(6) 8 & 9 Geo. 5, c. 34.	The Statutory Undertakings (Temporary Increase of Charges) Act, 1918.	The whole Act.	10 & 11 Geo. 5, c. 14.
(7) 9 & 10 Geo. 5, c. 45.	The Housing (Ireland) Act, 1919.	Section twenty-one.	—
(8) 10 & 11 Geo. 5, c. 21.	The Harbours, Docks, and Piers (Temporary Increase of Charges) Act, 1920.	The whole Act.	—

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SCHEDULE—(continued).

PART I.—(continued).

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(9) 10 & 11 Geo. 5. c. 57.	The Unemployment (Relief Works) Act, 1920.	The whole Act.	—
(10) 10 & 11 Geo. 5, c. 65.	The Employment of Women, Young Persons, and Children Act, 1920.	Section two.	—

PART II.

Enactments of the Parliament of Northern Ireland continued in their Duration.

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(1) 12 Geo. 5, c. 5.	The Local Government (Emergency Powers) Act, 1921 [N.I.].	The whole Act.	—
(2) 15 & 16 Geo. 5, c. 7.	The Canals (Continuance of Charging Powers) Act (Northern Ireland), 1925.	The whole Act.	—

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CHAPTER 17.

A.D. 1928.

An Act to provide for the maintenance of proper standards of quality in connection with the marketing of potatoes in certain cases, and for the licensing of persons engaged in such marketing; and for other purposes connected therewith. [18th December, 1928.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows :—

Restriction on sending potatoes to Great Britain, Irish Free State and Isle of Man.

1. Except as otherwise provided by this Act, a person shall not send or attempt to send potatoes from Northern Ireland to Great Britain, the Irish Free State or the Isle of Man, unless he holds a licence for that purpose under this Act.

Power of Ministry of Agriculture to grant, revoke and suspend licences.

2.—(1) Subject to the provisions of this Act, the Ministry of Agriculture shall have power to grant, revoke and suspend licences authorising the persons named therein to send potatoes from Northern Ireland to Great Britain, the Irish Free State and the Isle of Man.

(2) The Ministry of Agriculture shall, on application being made in the prescribed manner, and on payment of the fee specified in this section, grant to any person, upon such conditions as may be prescribed, a licence for the purposes aforesaid :

Provided that the said Ministry may revoke or suspend a licence if satisfied that the holder thereof has not complied with the prescribed conditions, and may refuse to grant a licence to an applicant who was formerly licensed under this Act, but whose licence has been revoked.

(3) A licence granted under this section shall be in the prescribed form, and shall remain in force until revoked or suspended by the Ministry of Agriculture by reason of the non-compliance of the holder of the licence with the prescribed conditions applying thereto, or for any other reason which the said Ministry may deem to be sufficient.

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(4) The fee for the granting of a licence shall be one pound, and a certified copy of a licence may be issued upon payment of a fee of two shillings and sixpence.

(5) The holder of a licence shall keep such records in respect of the receipt, despatch, transit and delivery of potatoes dealt with by him as the Ministry of Agriculture may require for the enforcement of the provisions of this Act, and shall permit those records to be inspected, and extracts therefrom to be taken, by any authorised officer.

Examination of potatoes consigned under licence.

3.—(1) A person who holds a licence under this Act shall not send or attempt to send potatoes out of Northern Ireland under the authority of the licence, unless such potatoes are accompanied by the prescribed certificate of an inspector of the Ministry of Agriculture to the effect that such potatoes have been examined by him, are of the prescribed standard of quality, and have been graded and packed in the prescribed manner.

(2) Potatoes shall be presented for the purpose of such examination as aforesaid at such convenient places and at such convenient times as the Ministry of Agriculture or any authorised officer may appoint.

(3) For each examination of a consignment of potatoes under this section, the person licensed to send the same out of Northern Ireland shall pay to the Ministry of Agriculture a fee at such rate, not exceeding six pence per ton of potatoes in the consignment, as may be prescribed.

(4) Where the examination of potatoes under this section is made whilst the potatoes are in transit, and the Ministry of Agriculture or an authorised officer is satisfied that a consignment does not conform to the prescribed standard of quality, or is not graded and packed in the prescribed manner, the said Ministry or officer may direct that such consignment shall be returned to the consignor at the place from which it was consigned, or, if the said Ministry or officer approves, at such other place as the consignor may elect, and thereupon the carrier, or the consignor, as the case may require, shall proceed to execute such direction with all reasonable speed at the expense of the consignor:

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Provided that nothing in this sub-section shall be construed as authorising anything to be done to the prejudice of any powers of a carrier to secure payment of freight charges in respect of any consignment carried by him.

Permits for small consignments, etc., of potatoes in certain cases.

4.—(1) The Ministry of Agriculture may, upon such conditions as the said Ministry thinks fit, grant permits authorising specified consignments of potatoes to which this section applies to be sent from Northern Ireland to Great Britain, the Irish Free State, or the Isle of Man.

(2) A permit shall be in the prescribed form, and may be revoked by the Ministry of Agriculture if the holder of the permit fails to comply with any conditions applying thereto, or for any other reason which the said Ministry may deem to be sufficient.

(3) Where, in connection with an application for a permit, the Ministry of Agriculture requires an inspection to be made of the consignment of potatoes, the said Ministry may charge a fee at the prescribed rate, not exceeding six pence per ton of potatoes in the consignment, with a minimum fee of six pence; and save as aforesaid, no fee shall be payable in respect of a permit.

(4) This section applies to consignments of potatoes grown by the consignor, and to such small consignments of potatoes, and such consignments of potatoes sent for experimental or other exceptional purposes, as may be prescribed.

Surrender and production of licences, etc., and giving of information.

5.—(1) The holder of a licence or permit granted under this Act shall, in the event of the licence or permit having expired or having been suspended or revoked, return such licence or permit to the Ministry of Agriculture immediately on such expiry, suspension or revocation.

(2) Any person in charge or possession of potatoes which are being moved or otherwise dealt with in circumstances in which a certificate of an inspector, or a permit, is required by virtue of this Act, or in circumstances in which such certificate or permit appears to an authorised officer or a member of the Royal Ulster

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Constabulary to be so required, shall, on demand by such officer or member, produce such certificate or permit for inspection.

(3) Any person presenting potatoes to a carrier for conveyance in circumstances in which a certificate of an inspector, or a permit, is required by virtue of this Act shall, on demand made on behalf of such carrier, produce such certificate or permit.

(4) Any person in charge or possession of potatoes which have been moved or otherwise dealt with in contravention of any provision of this Act or rule made thereunder, or in breach of any condition of a licence, certificate of an inspector or permit issued under this Act, or which are suspected by an authorised officer or a member of the Royal Ulster Constabulary of having been so moved or dealt with, shall, on demand by such officer or member, give his name and address and any information within his knowledge as to such potatoes which may be demanded of him by such officer or member.

(5) Any person failing to comply with any provision of this section shall be liable on conviction to a fine not exceeding twenty pounds.

Power to enter premises and examine consignments, etc

6.—(1) Any authorised officer shall for the purposes of this Act have power—

(*a*) to enter, at all reasonable times, any premises owned, occupied or used, or suspected by him of being owned, occupied or used by any person for the purpose of trade in potatoes, and to inspect therein any process connected with the grading or packing of potatoes, or any potatoes in the possession of such person in such premises;

(*b*) to take, for the purpose of examination, samples of potatoes;

(*c*) to enter at all reasonable times the premises of any person engaged in the business of carrying goods for reward, any pier, quay, wharf, jetty, dock or dock premises, and any ship, boat, railway waggon, motor lorry, cart or other vessel or vehicle used for the conveyance of goods, and to open, for the purpose of examination, any case of potatoes

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which may be found in or upon any premises, vessel or vehicle which he is entitled to enter under this provision.

Where any case of potatoes is examined by an authorised officer under paragraph (*c*) of this sub-section, the case shall be marked or labelled by the officer to that effect; and such mark or label shall be deemed to be a sufficient notification to the consignee that the case has been so examined.

(2) If any authorised officer discloses any information obtained by him in the exercise of his powers under this Act, except to persons acting in the execution of this Act, he shall be liable on conviction to a fine not exceeding fifty pounds.

Detention and seizure of consignments.

7.—(1) A member of the Royal Ulster Constabulary, or an authorised officer, shall have power to seize and detain in custody any consignment of potatoes which is being sent, or suspected of being sent, from Northern Ireland to Great Britain, the Irish Free State, or the Isle of Man in contravention of any provision of this Act or rule made thereunder, or in breach of any condition of a licence, certificate of an inspector or permit issued under this Act.

(2) Where any person seizes or detains in custody any potatoes under this section, he shall, as soon as conveniently may be, take such steps as may be proper to have the person guilty, or believed to be guilty, of the offence committed, or believed to have been committed, in relation to such potatoes dealt with according to law.

(3) When any person has been dealt with according to law as aforesaid, the potatoes seized and detained may be released and delivered to the consignor at the place of detention, or, if the consignor fails to take delivery at such place, shall be sold and the proceeds, less any expenses incurred by the Ministry of Agriculture or a member of the Royal Ulster Constabulary in connection with such seizure, detention, or sale, shall be paid to the consignor.

Power of Ministry of Agriculture to make rules.

8. The Ministry of Agriculture may make rules for prescribing anything which, under this Act, is to be prescribed, and generally for carrying this Act into effect; and such rules may prescribe different standards

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of quality, and different methods of grading and packing, for different classes of potatoes.

Offences, prosecutions and application of sums.

9.—(1) Any person who sends, or attempts to send, potatoes out of Northern Ireland in contravention of any provision of this Act or rule made thereunder, or in breach of any condition of a licence, certificate of an inspector, or permit granted or issued to such person under this Act, shall be liable on conviction for the first offence to a fine of five pounds, or any greater sum not exceeding ten pounds, and for the second offence to a fine of ten pounds or any greater sum not exceeding twenty pounds, and for the third or any subsequent offence to a fine of twenty pounds or any greater sum not exceeding fifty pounds.

Where a person is guilty of a second or subsequent offence under this sub-section, and in the opinion of the court such second or subsequent offence was committed by the personal act, default or negligence of the person accused, that person shall be liable (if the court is of opinion that a fine will not meet the circumstances of the case) to imprisonment for a term not exceeding three months.

(2) Any person who obstructs or impedes an authorised officer, or a member of the Royal Ulster Constabulary, in the exercise of any of his powers under this Act shall be liable on conviction to a fine not exceeding twenty pounds.

(3) Any person who—

(*a*) in connection with an application for the issue of a licence, certificate or permit under this Act, makes any statement, or furnishes any information, which to his knowledge is in any material respect false or misleading; or

(*b*) forges or fraudulently alters or uses, or permits to be fraudulently altered or used, any licence, certificate, permit or other document issued under this Act;

shall be liable on conviction to imprisonment for a term not exceeding three months or to a fine not exceeding twenty pounds, or to both such imprisonment and fine.

(4) All offences against this Act shall be prosecuted, and all fines thereunder shall be recovered, in manner provided by the Summary Jurisdiction (Ireland) Acts;

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and a person aggrieved by a conviction or order made by a court of summary jurisdiction on determining any information or complaint under this Act may appeal in manner provided by the said Summary Jurisdiction Acts.

(5) A prosecution for an offence under this Act shall not be instituted except by or with the consent of the Ministry of Agriculture :

Provided that such consent shall not be necessary where proceedings are required to be taken under the provisions of this Act with respect to detention and seizure of consignments.

(6) All fines recoverable under this Act by the Ministry of Agriculture or an authorised officer or a member of the Royal Ulster Constabulary shall, notwithstanding anything in any enactment, be paid to the said Ministry, and the amount so recovered and all other sums received under this Act by the said Ministry shall be paid to the Exchequer of Northern Ireland, except so far as they may be appropriated in aid of the moneys provided by Parliament for defraying the expenses of carrying this Act into effect.

Savings.

10.—(1) The provisions of this Act shall not apply to—

(*a*) potatoes which the Ministry or an authorised officer is satisfied were grown outside Northern Ireland and not unpacked in Northern Ireland before being sent out of Northern Ireland; but so that the bags or containers bear no mark or other indication calculated to lead to the belief that the potatoes are Northern Ireland produce;

(*b*) potatoes consigned to the Irish Free State, except—

(i) to such extent as is necessary to enable the said provisions to be enforced in cases where the Ministry of Agriculture or an authorised officer is satisfied that the consignment, or portion of the consignment, is ultimately intended for shipment to Great Britain or the Isle of Man ; and

(ii) to such further extent as may be prescribed ;

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(*c*) potatoes consigned from Northern Ireland during the prescribed months;

(*d*) potatoes sent by post.

(2) The provisions of this Act shall be without prejudice to the provisions of the Destructive Insects and Pests Acts, 1877 and 1907, and to the powers of the Ministry of Agriculture and local authorities under those Acts.

Interpretation.

11.—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"Authorised" means authorised by the Ministry of Agriculture:

"Carrier" means any company, body or person carrying potatoes for hire or reward:

"Case" includes a bag, barrel, box or other receptacle:

"Prescribed" means prescribed by rules made under this Act.

(2) References in this Act to enactments of the Parliament of the United Kingdom shall be construed as references to those enactments as they apply in Northern Ireland.

Short title and commencement.

12.—(1) This Act may be cited as the Marketing of Potatoes Act (Northern Ireland), 1928.

(2) This Act shall come into operation on the first day of February, nineteen hundred and twenty-nine.

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CHAPTER 18.

A.D. 1928.

An Act to amend the provisions of the Local Government (Ireland) Act, 1898, with respect to the relief of exceptional distress. [18th December, 1928.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows :—

Powers of Ministry of Home Affairs and guardians as to exceptional distress.

1.—(1) Where the Ministry of Home Affairs is satisfied, either on representations made to it by the board of guardians of the union or otherwise, that exceptional distress exists in any union or in any district electoral division therein, that Ministry may, if it thinks fit, by order authorise the board of guardians of the said union, subject to such conditions as may be prescribed (either generally or in such order), to administer relief out of the workhouse during any prescribed period to poor persons of any description resident in the said union or district electoral division, and may revoke any such order either wholly or partially or with reference to any particular class of persons.

25 & 26 Vict., c. 83.

(2) Section two of the Poor Relief (Ireland) Act, 1862 (which excludes an occupier of more than a quarter of an acre from being relieved otherwise than in the workhouse) shall not apply as regards relief given under this section.

(3) Any expenditure incurred in pursuance of an order under this section shall be levied off the union or district electoral division, according as may be prescribed in the order, and the amount thereof shall be raised by the county council or county councils concerned as a union charge or as a charge upon the district electoral division, as the case may require :

Provided that if the council of any such county concur, one half of the amount to be raised by that council may be levied off the county at large.

(4) A board of guardians may, with the consent of the Ministry of Home Affairs, obtain for the purpose of this section temporary advances of such amount and for

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such period and repayable in such manner as that Ministry may sanction, and may mortgage their property and funds to secure such advances.

(5) In this section the expression "prescribed" means prescribed by the Ministry of Home Affairs.

61 & 62 Vict., c. 37.

(6) Section thirteen of the Local Government (Ireland) Act, 1898, is hereby repealed as respects Northern Ireland.

Short title and construction.

2. This Act may be cited as the Poor Relief (Exceptional Distress) Act (Northern Ireland), 1928, and shall be construed as one with the Poor Relief (Ireland) Acts, 1838 to 1900, as those Acts apply in Northern Ireland, and those Acts and this Act may accordingly be cited together as the Poor Relief Acts (Northern Ireland), 1838 to 1928.

CHAPTER 19.

An Act to prolong the duration of the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, in its application to dwelling-houses of which the rateable value does not exceed twenty-six pounds, and to mortgages comprising such dwelling-houses. [18th December, 1928.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

Prolongation of period fixed by 15 & 16 Geo. 5, c. 12, s. 1 (1) (*c*).

1. The Rent and Mortgage Interest (Restrictions) Acts (Northern Ireland), 1920 to 1925, as amended by the Rent and Mortgage Interest Restrictions (Amendment) Act (Northern Ireland), 1927, shall have effect as if in paragraph (*c*) of sub-section (1) of section one of the Rent and Mortgage Interest (Restrictions) Act (Northern Ireland), 1925, for the words "first day of May, nineteen hundred and thirty" there were substituted the words "first day of May, nineteen hundred and thirty-three."

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Short title and construction.

2. This Act may be cited as the Rent and Mortgage Interest (Restrictions) Act (Northern Ireland), 1928, and shall be construed as one with the Acts hereinbefore mentioned; and those Acts and this Act may be cited together as the Rent and Mortgage Interest (Restrictions) Acts (Northern Ireland), 1920 to 1928.

CHAPTER 20.

An Act to amend the Loans Guarantee Acts (Northern Ireland), 1922 to 1928, by increasing the amount of loans which may be guaranteed under the said Acts and extending the period within which the Ministry of Finance may give guarantees thereunder. [18th December, 1928.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

Increase of amount of loans and extension of period for giving of guarantees. 12 & 13 Geo. 5, c. 24

1.—(1) The maximum limit on the aggregate capital amount of the loans, the principal or interest of which may be guaranteed under sub-section (1) of section one of the Loans Guarantee Act (Northern Ireland), 1922, as amended by subsequent enactments of the Loans Guarantee Acts (Northern Ireland), 1922 to 1928, shall be increased from ten million, five hundred thousand pounds to eleven million, five hundred thousand pounds.

(2) The power of the Ministry of Finance to give guarantees in respect of loans under the said section, amended as aforesaid, may be exercised at any time up to and including the thirty-first day of March, nineteen hundred and thirty.

Short title and citation.

2. This Act may be cited as the Loans Guarantee (No. 2) Act (Northern Ireland), 1928, and shall be included amongst the Acts which may be cited together as the Loans Guarantee Acts (Northern Ireland), 1922 to 1928.

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CHAPTER 21.

An Act to make provision for the payment of additional grants to the Queen's University of Belfast, and for defraying certain expenses of the Agricultural Faculty of the said University, and to empower the governing body of the said University to borrow money.

[18th December, 1928.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows :—

Additional grant for general purposes of Queen's University.

1. There shall be paid out of moneys provided by Parliament to the governing body of the Queen's University of Belfast (in this Act referred to as "the University") for the general purposes of the University—

(*a*) in respect of the financial year ending on the thirty-first day of March, nineteen hundred and twenty-nine, the sum of two thousand pounds, and

(*b*) thereafter in respect of each financial year a sum of four thousand pounds ;

and the said sums shall be in addition to the sums payable out of moneys so provided to the University under sub-section (3) of section sixty-four of the Government of Ireland Act, 1920, and under the enactments to which sub-section (1) of section two of the Church Temporalities Fund Act (Northern Ireland), 1922, applies.

10 & 11 Geo. 5, c. 67.

12 & 13 Geo. 5, c. 13.

Expenses of Agricultural Faculty in teaching and research.

2. Whereas the governing body of the University have, upon lands belonging to the University, erected and equipped to the satisfaction of the Ministries of Finance and Agriculture a building, with laboratories, used, and to be used, solely for the teaching of applied agricultural sciences in connection with the Agricultural Faculty of the University, and for agricultural research and experimental work of the Ministry of Agriculture (so long as that Ministry may so require) and of the University :

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And whereas the Ministry of Finance has paid, in pursuance of the enactments in that behalf authorising the said Ministry, a grant of thirty-four thousand five hundred pounds to assist the said governing body in erecting and equipping agricultural science laboratories as aforesaid, and the Ministry of Agriculture, with the concurrence of the Ministry of Finance, has also, out of moneys provided by Parliament, recouped to the said governing body the costs arising from time to time of the subordinate staff and of the fees of certain examiners of the said Agricultural Faculty, and the cost of maintaining the buildings (including the insurance, lighting, heating and water supply thereof) and equipment in connection with the said Agricultural Faculty:

And whereas it is expedient that the said grant of thirty-four thousand five hundred pounds should be increased, and also that provision should be made, as hereinafter in this section appearing, with respect to the payment out of moneys provided by Parliament of sums to recoup the costs arising from time to time as aforesaid:

Therefore the following provisions shall have effect:—

(*a*) A sum of thirty-five thousand five hundred pounds shall be substituted for a sum of thirty-four thousand five hundred pounds as the maximum amount of the grant which may be made to the governing body of the University under sub-section (1) (*c*) of section one of the Exchequer and Financial Provisions Act (Northern Ireland), 1924 (as amended by sub-section (1) of section thirteen of the Government Loans and Exchequer Provisions Act (Northern Ireland), 1925) out of the Capital Fund No. 2 established in pursuance of the first-mentioned Act;

14 & 15 Geo. 5, c. 13.

15 & 16 Geo. 5, c. 17.

(*b*) There shall be paid, in respect of each financial year, out of moneys provided by Parliament to the governing body of the University, for defraying the cost for such year of the subordinate staff and fees of examiners, and of maintaining the buildings (including the insurance, lighting, heating and water supply thereof) and equipment in connection with the Agricultural Faculty of the University, such sums as are

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determined by the Ministry of Agriculture, after consultation with the Ministry of Finance, to be reasonable and necessary for those purposes and such accounts shall be kept and estimates and certificates furnished, in respect of all sums expended or proposed to be expended under this provision, as the said Ministries may determine.

Power of governing body to borrow money.

8. The governing body of the University shall have power to borrow upon the security of any land or other property belonging to the University, for such term of years (not exceeding in any case fifty) and upon such condit ons as to repayment, as the said governing body may determine in each case, such sums of money as may be certified by the said governing body to be necessary for all or any of the following purposes :—

(*a*) The restoration, improvement and extension of any house or building forming part of or connected with or belonging to the University;

(*b*) The erection of new or additional houses or buildings upon lands belonging to the University;

(*c*) The acquisition of lands or buildings for the purposes of the University;

(*d*) The permanent improvement of any lands belonging to the University.

Short title.

4. This Act may be cited as the Queen's University of Belfast Act (Northern Ireland), 1928.

CHAPTER 22.

An Act to amend the Borough Funds (Ireland) Act, 1888. [18th December, 1928.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows :—

Amendments of 51 & 52 Vict., c. 53 as to vote of electors.

1.—(1) The Borough Funds (Ireland) Act, 1888 (in this Act referred to as "the principal Act") shall have effect as if for section seven of that Act (which

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relates to the vote of the electors of a district) there were substituted the following section:—

"**7.** No expense in relation to the promotion of a Bill in Parliament shall be charged by the governing body of a district under this Act unless the requirements contained in the Schedule to this Act have been observed."

(2) The principal Act shall have effect as if for the Schedules to the said Act there were substituted the Schedule to this Act.

(3) If the result of a poll under the principal Act as amended by this Act, or the decision, when final, of a meeting of local government electors of the district (in this Act referred to as "electors"), is against the promotion of the Bill, or of a part or parts or clause or clauses of the Bill, the governing body shall forthwith take all necessary steps to withdraw the Bill, or the part or parts or clause or clauses (as the case may be) against which the poll has resulted or the decision of the meeting has been given.

In the case of equality of votes on any question of promotion, that question shall be deemed to be decided against the promotion.

(4) Where a Bill, or a part or parts or clause or clauses of a Bill, is or are withdrawn, no further expense shall be incurred by the governing body or mayor or chairman in or about the promotion of the Bill, or part or parts or clause or clauses, so withdrawn; but, subject as aforesaid, all costs, charges and expenses incurred by the governing body or mayor or chairman in, or as incidental to, the preparation and promotion of the Bill up to and inclusive of its deposit in Parliament and withdrawal (when withdrawn), and in, or as incidental to, the holding of a meeting or the taking of a poll under the principal Act as amended by this Act, shall, when allowed under the principal Act, be chargeable upon the funds or rates upon which the expenses of promoting such Bills are made chargeable under the principal Act.

(5) The failure to comply with the requirements of the Schedule to this Act as to notices, or the time within which anything is to be done, or the procedure at a meeting of electors, or the mode of taking a poll, shall not render invalid the charge under the principal Act

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or this Act of any expenses in relation to the promotion of a Bill, if the provisions of the said Schedule have been substantially complied with and the failure has not affected the result of the proceedings under the principal Act or this Act.

(6) Nothing in this Act shall be construed as affecting the provisions of the principal Act so far as they are extended to county councils (not being county borough councils) by section seventeen of the Local Government (Ireland) Act, 1898.

61 & 62 Vict., c. 37.

Short title, construction and citation.

2. This Act may be cited as the Borough Funds Act (Northern Ireland), 1928, and shall be construed as one with the principal Act; and the principal Act and this Act may be cited together as the Borough Funds Acts (Northern Ireland), 1888 and 1928.

SCHEDULE.

PART I.

REGULATIONS FOR MEETING OF ELECTORS.

1. Where the governing body of a district have resolved, in accordance with the provisions of this Act, to promote a Bill in Parliament, and the Bill has been deposited, notice shall be given by placards and by advertisement in some local newspaper circulating in the district in two successive weeks stating—

(*a*) the title of the Bill; and

(*b*) a brief statement of the objects of the Bill; and

(*c*) that the Bill has been deposited, and the date on which it was first deposited, in Parliament; and

(*d*) that copies of the Bill may be inspected and purchased at a place within the district specified in the notice, between the hours of ten in the forenoon and half-past four in the afternoon, on every week day for twenty-one days after the date of the first advertisement, and that extracts may be taken free of charge; and

(*e*) that a public meeting of electors will be held at a specified place on a day named, not being less than twenty-one nor more than twenty-eight days after the first advertisement of the notice, for the purpose of considering the question of the promotion of the Bill, and indicating the resolutions which will be submitted to the meeting.

2. The first advertisement under these regulations must be made within seven days from the first deposit of the Bill in Parliament, and the placards giving notice under these regulations must be posted within the same time.

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3. A public meeting of electors shall be held in accordance with the notice, and the mayor or chairman, or, in the event of his being unable or unwilling to preside, any person appointed by the governing body to perform that duty, shall be president of the meeting; but, if neither the mayor or chairman, nor the person so appointed, is present within ten minutes after the time appointed for the meeting, the meeting shall choose an elector present at the meeting to be president of the meeting.

4. The president of the meeting may, with the consent of the majority of the electors present, adjourn the meeting for not more than seven days.

5. On opening any such meeting the president of the meeting, or a member or officer of the governing body, shall give such explanation of the Bill with reference to which the meeting is held as he thinks expedient.

6.—(*a*) The question of the promotion of the Bill shall be put by the president to the meeting either by a single resolution in favour of the promotion of the whole Bill, or by separate resolutions in favour of the promotion of any part or parts or clause or clauses of the Bill, but together covering the promotion of the whole Bill, and the meeting shall decide for or against any such resolution.

(*b*) The president shall explain to the meeting the resolution or resolutions he proposes to put to the meeting, and the question of the promotion of the Bill shall be put in the manner proposed:

Provided that, if, before any such resolution is put, the meeting decide to request the president to put separately any resolution or resolutions in favour of the promotion of any part or parts or clause or clauses of the Bill not proposed by him to be put separately, he shall put such further or other resolution or resolutions to the meeting as will, consistently with the provisions of this Schedule, give effect to that request.

7. Unless a poll is required in manner provided by this Schedule, with respect to any resolution for promotion put to the meeting, the decision of the meeting on that resolution, as declared by the president of the meeting, shall be final.

8. A poll may be required with respect to any such resolution by not less than one hundred electors, or one-twentieth in number of the electors, whichever may be the less, and, if the decision of the meeting on the resolution is against the resolution, by the governing body.

9. A requisition for a poll by electors must be in writing signed by the persons making it, and must be delivered to the mayor or chairman within seven days after the date of the meeting or any adjournment thereof.

10. A requisition for a poll by the governing body must be authorised by a resolution of the governing body, and a copy of the resolution must be delivered to the mayor or chairman within seven days after the date of the meeting of the electors or any adjournment thereof:

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Provided that, if the regulations governing the meetings of the governing body do not permit of an ordinary meeting of the governing body being held within the said seven days, the time for the delivery of a copy of the resolution shall be within three days after the date on which an ordinary meeting of the governing body can first be held subsequently to the date of the meeting of the electors or any adjournment thereof.

11. The mayor, chairman, or other presiding officer appointed under Part II. of this Schedule shall proceed in accordance with the provisions of the said Part II. to take the opinion by poll of the electors on the resolution to which any requisition relates, unless a poll is rendered unnecessary by the withdrawal of the requisition for a poll or by a resolution of the governing body withdrawing the Bill, or the part or parts or clause or clauses to which the resolution, with reference to which the poll is required, relates.

12. If no poll is required with respect to any resolution for promotion put to the meeting of electors, or if a poll with respect to any such resolution is rendered unnecessary as aforesaid, the president of such meeting shall make and sign a declaration to that effect and transmit the same to the Ministry of Home Affairs.

PART II.

REGULATIONS FOR TAKING A POLL.

1. The presiding officer for the purpose of taking a poll shall be the mayor or chairman of the governing body of the district, or, in the event of the mayor or chairman being unable or unwilling to act as presiding officer, the president of the meeting in respect of which the poll was required, and all powers and duties by this Schedule vested in or imposed on the presiding officer, and all other duties required to be performed by him in relation to the taking of a poll, shall be exercised and performed by such mayor, chairman or president as aforesaid.

2. If the office of mayor or chairman of the governing body is vacant at the time when any such power or duty must be exercised or performed, or if the mayor or chairman of the governing body, or the president of the said meeting, as the case may be, is unable, from illness or other sufficient cause, to exercise or perform such powers or duties, or is absent or refuses to act, some other person shall be appointed by the governing body to exercise or perform such powers and duties.

3. The governing body shall, before or during the poll, appoint a competent number of persons to assist the presiding officer in conducting and completing the same.

4. The presiding officer shall, within three days after the expiration of the time within which a poll may be required under Part I. of this Schedule, but not less than seven days before the first day appointed for the collection of the voting papers, publish a notice signed by him and specifying the date and place of the said meeting, the

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resolution or resolutions with respect to which a poll has been required, the fact that a poll will be taken upon any such resolution, the day or days on which the voting papers will be delivered, and the day or days on which they will be collected, and the place for the examination and casting up of the votes, and shall also cause copies of such notice to be affixed on the usual place or places for affixing notices in the district.

5.—(*a*) The poll shall be taken by voting papers in the form set out in Part III. of this Schedule, and the polls upon any number of resolutions may be taken at the same time and by means of the same voting papers.

(*b*) The presiding officer shall cause voting papers in the said form to be prepared and shall insert therein the resolution or resolutions upon which a poll is to be taken, and the date and place of the meeting at which each such resolution was proposed, and the day or days and time when the voting papers are to be collected. The presiding officer shall also insert on each voting paper the name and number on the register and polling district letter of the elector, and the address at which the voting paper of such elector is to to delivered.

6. The presiding officer, three days at least before the first day of collection of the voting papers, shall cause one such voting paper to be delivered by persons appointed by him for that purpose at the address stated in the Register of Electors for the time being of each elector.

7. Each voter shall write his initials in the voting paper delivered to him under the heading "In favour of" or "Against" according as he votes for or against any resolution referred to in the voting paper, and shall sign such voting paper.

8. Any voter unable to write shall affix his mark at the foot of the voting paper in presence of a witness, who shall attest and write the name of the voter against the mark, as well as the initials of such voter under the heading "In favour of" or "Against," according as such voter intends to vote for or against any resolution.

9. The presiding officer shall cause the voting papers to be collected on the day or days of collection by such persons as he may appoint.

10. No voting paper shall be received or admitted unless the same has been delivered at the address of the voter as aforesaid, nor unless the same is collected by the persons appointed for that purpose :

Provided that—

(i) if any person entitled to receive a voting paper has not received a voting paper as aforesaid, he shall, on personal application before the last day of collection to the presiding officer, be entitled to receive a voting paper from the presiding officer, and to fill up the same in his presence and then and there to deliver the same to him ;

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(ii) if any voting paper duly delivered has not been collected through the default of the presiding officer or the persons appointed to collect the same, the voter in person may deliver the same to the presiding officer, before twelve o'clock at noon on the day appointed for the examination and casting up of the votes.

11.—(*a*) The presiding officer shall, on the day immediately following the last day of the collection of the voting papers, and on as many days immediately succeeding as may be necessary, attend at the place appointed for the examination and casting up of the votes, and ascertain the validity of the votes by an examination of the Register of Electors for the time being, and by examining such persons as he may see fit. He shall cast up such of the votes as he finds to be valid and to have been duly given, collected or received, and shall ascertain the number of such votes respectively in favour of and against the adoption of a resolution.

(*b*) The decision of the presiding officer on any question arising in respect of any voting paper shall be final.

(*c*) Any three of the electors who have required a poll and any three persons appointed by the governing body may themselves attend or appoint an agent to attend the examination and casting up of the votes given thereat; and any person so attending who obstructs or in any way interferes with the examination and casting up of the votes may, by order of the presiding officer, be forthwith removed from the place appointed for that purpose, and if so removed shall not be permitted to return.

12. The presiding officer shall forthwith make and sign a declaration of the result of the poll or polls and transmit the same to the Ministry of Home Affairs.

13. If the presiding officer refuses or neglects to comply with any of the provisions of this Part of this Schedule relating to the taking of a poll, he shall be liable on summary conviction to a penalty not exceeding fifty pounds, and any person employed for the purpose of the poll, by or under the presiding officer, who is guilty of any such neglect or refusal shall be liable on summary conviction to a penalty not exceeding five pounds.

14. Any person who—

(*a*) fabricates in whole or in part, or unlawfully alters, defaces, destroys, or takes possession of any requisition of electors, voting paper or other document to which this Schedule applies; or

(*b*) personates any person entitled to vote at any poll under this Schedule; or

(*c*) falsely assumes to act in the name or on the behalf of any person so entitled to vote; or

(*d*) interferes with the delivery or collection of any such voting papers; or

(*e*) delivers any such voting paper under a false pretence of being lawfully authorised so to do,

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shall be liable on summary conviction to a penalty not exceeding twenty pounds, or, in the discretion of the court, to imprisonment for any period not exceeding three months.

An attempt to commit any offence specified in this regulation shall be punishable in the manner in which the offence is punishable.

PART III.

FORM OF VOTING PAPER FOR POLL.

Name of Elector.....
No. on Register .....
Polling District Letter .....
Address .....

(*Title or Short Title of Bill.*)

Poll on the Resolutions put to Meeting of Electors held on the day of at .

	In favour of	Against
Are you in favour of or against the resolution for the promotion of—		
1		
2 (*Set out the Bill or Clauses to which each Resolution refers.*)		
3		
4		

(Signed).....
or the mark of.....
Witness to the mark.....
Address of Witness.....

Directions to the Voter.

The voter must write his initials in the column of the voting paper headed "In favour of," or in the column headed "Against," according as he wishes to vote in favour of or against the resolution opposite to which he writes his initials, and must subscribe his name at full length.

The voter may vote in the manner above described on each resolution referred to in the voting paper where more than one resolution is there set out.

Any voter unable to write shall affix his mark at the foot of the voting paper in presence of a witness, who shall attest and write the name of the voter against the mark, as well as the initials of such voter under the heading "In favour of" or "Against," according as such voter intends to vote for or against a resolution set out in the paper.

This paper will be collected between the hours of..... and.....on one of the following days :.....

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CHAPTER 23.

An Act to prolong the time for the operation of section one of the Housing Act (Northern Ireland), 1927. [18th December, 1928.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows :—

Amendment of s. 1 of 17&18 Geo.5, c. 15, as to period for grants in respect of construction of houses.

1.—(1) Section one of the Housing Act (Northern Ireland), 1927, shall have effect as if in sub-section (1) of that section for the words " first day of April, nineteen hundred and twenty-nine " there were substituted the words " first day of April, nineteen hundred and thirty."

(2) A general resolution may be adopted by a local authority, rural district council or county council under and in pursuance of sub-section (9) of section one of the Housing Act (Northern Ireland), 1923, or section three of the Housing Act (Northern Ireland), 1925, and applied to houses in respect of whose construction the Ministry of Home Affairs has power to make grants by virtue of sub-section (1) of this section.

13&14 Geo.5, c. 30.

15&16 Geo.5, c. 13.

Short title, construction and citation.

2. This Act may be cited as the Housing Act (Northern Ireland), 1928, and shall be construed as one with the Housing Act (Northern Ireland), 1923, and the enactments amending that Act; and the Housing Acts (Northern Ireland), 1890 to 1927, and this Act may be cited together as the Housing Acts (Northern Ireland), 1890 to 1928.

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CHAPTER 24.

An Act to assimilate the franchises for men and women in respect of parliamentary and local government elections; to amend the law with respect to the parliamentary and local government franchises; and for purposes connected therewith. [4th December, 1928.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

Assimilation of parliamentary franchise of men and women. 7 & 8 Geo. 5. c. 64.

1. For the purpose of providing that the parliamentary franchise in respect of elections of members to serve in the Parliament of Northern Ireland shall be the same for men and women, sub-sections (1) and (2) of section four of the Representation of the People Act, 1918 (in this Act referred to as "the principal Act") shall be repealed in their application to such elections, and the following sections shall be substituted for sections one and two of that Act in their application as aforesaid:—

(*Section to be substituted for the said section one.*)

" .—(1) A person shall be entitled to be registered as a parliamentary elector for a constituency (other than a university constituency), if he or she is of full age and not subject to any legal incapacity; and

(*a*) has the requisite residence qualification; or

(*b*) has the requisite business premises qualification; or

(*c*) is the husband or wife of a person entitled to be so registered in respect of a business premises qualification:

Provided that any incapacity of a peer, arising from the status of a peer, to vote at any election of members to serve in the Parliament of Northern Ireland is hereby removed.

(2) A person, in order to have the requisite residence qualification or business premises qualification for a constituency—

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"(*a*) must on the last day of the qualifying period be residing in premises in the constituency, or occupying business premises in the constituency, as the case may be; and

(*b*) must during the whole of the qualifying period have resided in premises, or occupied business premises, as the case may be, in the constituency, or in another constituency within the same parliamentary borough or parliamentary county, or within a parliamentary borough or parliamentary county contiguous to that borough or county, or separated from that borough or county by water, not exceeding at the nearest point six miles in breadth, measured in the case of tidal water from low-water mark.

(3) The expression 'business premises' in this section means land or other premises of the yearly value of not less than ten pounds occupied for the purpose of the business, profession, or trade of the person to be registered."

(*Section to be substituted for the said section two.*)

" . A person shall be entitled to be registered as a parliamentary elector for a university constituency if he or she is of full age and not subject to any legal incapacity, and has received a degree (other than an honorary degree) at the university which forms the constituency."

Assimilation of local government franchise of men and women.

2.—(1) For the purpose of providing that the local government franchise in Northern Ireland shall be the same for men and women, sub-section (3) of section four of the principal Act shall be repealed in its application to the said franchise, and the following section shall be substituted for section three of that Act in its application as aforesaid:—

"A person shall be entitled to be registered as a local government elector for a local government electoral area if he or she is of full age and not subject to any legal incapacity, and—

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"(*a*) is on the last day of the qualifying period occupying in that area, as owner or tenant, any land or premises (not being a dwelling-house) of a yearly value of not less than five pounds, or a dwelling-house; and

(*b*) has during the whole of the qualifying period so occupied, either in that area or, if that area is not an administrative county or a county borough, in any administrative county or county borough in which the area is wholly or partly situate, any land or premises (not being a dwelling-house) of such yearly value as aforesaid, or a dwelling-house; or

(*c*) is the husband or wife of a person entitled to be so registered in respect of premises in which both the person so entitled and the husband or wife, as the case may be, reside:

Provided that—

(i) for the purposes of this section a person who inhabits any dwelling-house by virtue of any office, service, or employment, shall, if the dwelling-house is not inhabited by the person in whose service he or she is in such office, service, or employment, be deemed to occupy the dwelling-house as a tenant; and

(ii) for the purposes of this section the word 'tenant' shall include a person who occupies a room or rooms as a lodger only where the room or rooms is or are let to that person in an unfurnished state; and

(iii) for the purpose of paragraph (*c*) of this section, a naval or military voter who is registered in respect of a residence qualification which he or she would have had but for his or her service shall be deemed to be resident in accordance with that qualification."

(2) The Local Government (Franchise) Act (Northern Ireland), 1923, is hereby repealed. 13 & 14 Geo. 5, c. 13.

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Local government franchise (companies).

3. The principal Act as amended by this Act shall, in its application to the local government franchise in Northern Ireland, have effect as if the following section were inserted therein after section three :—

"**4.**—(1) Where any company has, during the whole of the twelve months ending on the last day of the qualifying period, occupied as owner or tenant any land or premises of the yearly value of not less than ten pounds in a local government electoral area in Northern Ireland, and is separately rated for the relief of the poor in respect of such land or premises, then, subject to the provisions of this section, such company may make a claim to have such person as is specified in the claim registered as a local government elector in respect of the said land or premises, and the said person shall be entitled to be registered accordingly. Such occupation of land or premises by a company as complies with the requirements aforesaid is hereinafter referred to as a 'company qualification.'

"(2) Where a company qualification is derived from land or premises of a yearly value greater than ten pounds, a claim under this section may be made by the company for the registration of each one of several persons, not exceeding in any case six, and, subject as aforesaid, each such person shall be entitled to be registered : Provided that the yearly value of the land or premises from which the company qualification is derived is not less than the amount produced by multiplying ten pounds by the number of persons in respect of whom the claim is made.

(3) A claim for the purposes of this section shall be in the prescribed form and shall be made in the prescribed manner and at the prescribed time, and shall be authenticated under the seal of the company. Such claim shall contain a declaration that each person for whom registration is claimed by the company is a member or officer of the company, and that no claim has been made by the company to have any person registered in respect of any other company qualification possessed by the company in the same district electoral division or ward of the local government electoral area in question.

(4) No person shall be registered in pursuance of a claim made by a company under this section

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"unless such person is of full age and not subject to any legal incapacity.

(5) Nothing in Rules 23 and 44 (9) of the First Schedule to this Act shall be construed so as to prevent a person from being registered as a local government elector in the same district electoral division or ward in respect of one or more company qualifications possessed by different companies, and also in respect of some one qualification other than a company qualification. A company shall not have power to make a claim for the registration of any persons as local government electors in respect of more than one company qualification possessed by the company in the same district electoral division or ward.

(6) Nothing in sub-section (2) of section eight of this Act, or in the Local Government (Ireland) Act, 1898, or any similar enactment, shall be construed so as to prevent a person registered as a local government elector in respect of several company qualifications possessed by different companies from voting in one or more district electoral divisions or wards by virtue of each company qualification in respect of which he is registered, or from voting by virtue of a qualification, other than a company qualification, in respect of which he is registered as a local government elector and would, apart from this section, be entitled to vote. 61 & 62 Vict., c. 37.

Where a company possesses company qualifications in more than one district electoral division or ward of a local government electoral area, no person shall be entitled to vote, in respect of those company qualifications, at a local government election for that area, except the persons who are registered in respect of such one of those company qualifications as may be designated by the company in the prescribed manner:

Provided that nothing in this provision shall prevent any person registered in respect of a company qualification possessed by such company from voting at an election to fill a casual vacancy in a borough council in the ward in which such person is registered in respect of that company qualification.

(7) The Governor of Northern Ireland may, by Order in the Privy Council of Northern Ireland, make provision—

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"(*a*) with respect to the form of the questions which, in the case of persons registered under this section, may be asked of voters at a poll, and with respect to the oaths to be taken by voters being persons so registered;

(*b*) for prescribing anything which under this section is to be prescribed;

(*c*) with respect to any other matter for which the said Governor may deem it necessary to make provision in order to carry this section into full effect.

(8) In this section the expression 'company' means—

(*a*) a company on the register of joint stock companies kept by the Registrar of Joint Stock Companies for Northern Ireland; or

(*b*) a company registered or constituted in Great Britain before the first day of January, nineteen hundred and twenty-two, which has established a place of business within Northern Ireland; or

(*c*) a company incorporated outside Northern Ireland, which, having established a place of business within Northern Ireland, has filed with the said Registrar the particulars and documents required to be filed with him by section two hundred and seventy-four of the Companies (Consolidation) Act, 1908; or

8 Edw. 7, c. 69.

(*d*) a company incorporated by Royal Charter or by Act of Parliament and having a place of business in Northern Ireland; or

(*e*) a society registered in Northern Ireland under the Industrial and Provident Societies Acts, 1893 to 1913, as those Acts apply in Northern Ireland, or having acquired in Northern Ireland the status of a society so registered."

Amendment of ss. 8 & 9 of principal Act.

4.—(1) The following sub-section shall be substituted for sub-section (1) of section eight of the principal Act (which relates to the right of registered persons to vote):—

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"(1) Every person registered as a parliamentary elector for any constituency, for the purpose of elections of members to serve in the Parliament of Northern Ireland, shall, while so registered (and in the case of a woman notwithstanding sex or marriage) be entitled to vote at an election of a member to serve in the said Parliament for that constituency, but a person shall not, at a general election of members to serve in that Parliament, vote for more than one constituency for which he or she is registered by virtue of a residence qualification, or for more than one constituency for which he or she is registered by virtue of other qualifications of any kind."

(2) The following sub-section shall have effect as if it were inserted in section nine of the principal Act (which relates to disqualifications) after sub-section (3) thereof:—

"(3A) A person shall not be entitled—

(*a*) to be registered in respect of a residence qualification, or to vote in respect of such qualification, as a parliamentary elector for the purpose of any election of members to serve in the Parliament of Northern Ireland; or

(*b*) to be registered or to vote as a local government elector in respect of a qualification consisting of his or her occupation or the occupation by the wife or husband of such person, as owner or tenant, of land or premises (not being business premises as defined in sub-section (3) of section one of this Act);

unless such person has, during the whole of the period of three years ending on the last day of the qualifying period, been resident in the United Kingdom: Provided that nothing in this sub-section shall affect the right of any person to be registered in pursuance of section five or the proviso to section six of this Act or to vote if so registered, or the right of any person to be registered or to vote, if such person was born at some place which is situate within Northern Ireland."

Consequential amendments.

5. The amendments specified in the second column of the Schedule to this Act, being amendments consequential on the foregoing provisions of this Act, shall be

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made in the provisions of the principal Act specified in the first column of that Schedule.

Register and registration of electors.

6.—(1) Subject to the provisions of this Act, the register containing the names of persons entitled for the time being to vote as parliamentary electors at elections of members to serve in the Parliament of the United Kingdom for constituencies in Northern Ireland shall continue to be used as the register for the purposes of, and connected with, any election of members to serve in the Parliament of Northern Ireland.

(2) The Governor of Northern Ireland may, by Order in the Privy Council of Northern Ireland, prescribe forms to be used for the purposes of registration under the Representation of the People Acts, 1918 to 1922, and this Act, and make (with the approval of the Secretary of State) such alterations of the forms prescribed under section thirteen of the principal Act, or of the rules in force under that section, in their application to the parliamentary and local government franchises in Northern Ireland, as appear to the said Governor to be necessary or proper for the purpose of giving effect to the provisions of this Act.

18 & 19 Geo. 5, c. 12.

(3) The provisions of section six of the Representation of the People (Equal Franchise) Act, 1928, passed by the Parliament of the United Kingdom (which relate to the register of electors to be made in the year nineteen hundred and twenty-nine), and of any Order in Council made under sub-section (2) of that section, shall apply in Northern Ireland, so far as those provisions are applicable to matters with respect to which the Parliament of Northern Ireland has power to make laws, and are not in force in Northern Ireland by virtue of the said Act.

Short title and construction

7.—(1) This Act may be cited as the Representation of the People Act (Northern Ireland), 1928, and shall be construed as one with the Representation of the People Acts, 1918 to 1922; and those Acts, section six of the Local Government Act (Northern Ireland), 1922, and this Act may be cited together as the Representation of the People Acts (Northern Ireland) 1918 to 1928.

12 & 13 Geo. 5, c. 16.

(2) References in this Act to enactments of the Parliament of the United Kingdom shall, unless the context otherwise requires, be construed as references to those enactments as they apply in Northern Ireland

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with respect to matters within the powers of the Parliament of Northern Ireland.

(3) Nothing in this Act shall affect the right of any person, or confer on any person any right, to be registered in the register of electors to be made in the year nineteen hundred and twenty-eight, or to vote at any time before the register of electors to be made in the year nineteen hundred and twenty-nine comes into operation.

(4) In this Act the expression "United Kingdom" means the United Kingdom of Great Britain and Northern Ireland.

SCHEDULE.

Section 5.

CONSEQUENTIAL AMENDMENTS OF PRINCIPAL ACT.

Provisions of principal Act.	Amendments to be made.
Section 5.	In sub-section (3) for the words "the age required under this Act in the case of that person" there shall be substituted the words "full age."
Section 7.	In paragraph (*b*) of sub-section (1) for the words "parliamentary franchise of women" there shall be substituted the words "local government franchise (other than the company franchise)."
	In sub-section (3) for the word "man" there shall be substituted the word "person"; for the word "he" where it first and secondly occurs there shall be substituted the words "that person," and for the words "the time when he so commenced to reside" there shall be substituted the words "the commencement of the residence."
Section 22.	In sub-section (2) the words "(except as provided in that Schedule)" shall be omitted.
Schedule 2.	In Part II. for the words "a man" where those words occur in No. 1 and No. 2, there shall be substituted the words "a person;" No. 3, including the Note thereto, shall be omitted; under the heading "Declarations at University Election" the words "(*In the case of a man*)" and the words "(*In the case of a woman*)—'I have not voted at this general election for any other university constituency'" shall be omitted.
Schedule 5.	In the Form of Voting Paper in Part I. the words "(*In the case of a man*)" and the words "(*In the case of a woman*) that I have not voted at this general election for any other university constituency" shall be omitted.

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CHAPTER 25.

An Act to make further provision for the preservation of game, and for the regulation of the sale of game, in Northern Ireland.

[18th December, 1928.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows :—

Amendment of s. 15 of 6 & 7 Will. 4, c. 13.

1. Any officer or constable of the Royal Ulster Constabulary (in this Act referred to as an "officer or constable") may enforce the Acts relating to the laws for the preservation of game, notwithstanding anything in section fifteen of the Constabulary (Ireland) Act, 1836, as it applies to the said Constabulary :

Provided that no officer or constable shall enter upon any lands for the purpose of enforcing the game rights of any owner or occupier of such lands, or of any person in whom the game rights over such lands are vested.

Powers of Constabulary to demand production of game certificates, search for game, and enter upon lands. 23&24 Vict., c. 90.

2.—(1) If any officer or constable has reasonable ground to suspect that any person is or has been unlawfully in pursuit of any game to which the provisions of the Game Licences Act, 1860, relative to certificates to kill game, as amended by subsequent enactments (including this Act), apply, such officer or constable may demand from such person the production of a certificate to take or kill game granted to such person under the provisions aforesaid.

(2) If any such person fails to produce such certificate to take or kill game, and permit such officer or constable to read the same, it shall be lawful for such officer or constable to require such person to declare to him immediately his name and place of residence, and to search such person and any game bag, package, vehicle, or other thing, which is capable of being used by such person for the carrying of game, and to search any premises on which such person shall be found ; and if such person refuses to declare his name and place of residence as

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aforesaid, or gives a false or fictitious name or place of residence, or if such person refuses to allow such officer or constable to make the aforesaid search, he shall, in addition to any other punishment to which he may be subject, be guilty of an offence under this Act.

It shall be lawful for such officer or constable to arrest such person so refusing, and to convey him before any justice of the peace having jurisdiction at the place where the offence has been committed, and such justice may hold the person so arrested to bail, with one or more sufficient sureties, at the discretion of the justice, to appear before the next court of summary jurisdiction to be held for the district within which such offence has been committed: Provided that if any person so arrested and detained is unwilling or unable to give such bail as aforesaid, the justice before whom he is brought may commit him to gaol by warrant to be imprisoned by the keeper of the gaol until the next court of summary jurisdiction to be held for the district within which such offence has been committed, or until such person gives such bail as aforesaid (whichever shall first happen), and the said keeper shall, if bail has not been so given, bring such person before the said court of summary jurisdiction.

(3) It shall be lawful for any officer or constable to enter (if need be, by force), and remain so long as may be necessary, upon any lands or premises for the purpose of making the demand or search referred to in this section.

Register to be kept by holder of licence to deal in game

3.—(1) From and after the commencement of this section every holder of a licence to deal in game granted under the Game Licences Act, 1860, and the enactments amending the same, shall keep or cause to be kept in the premises specified therein a register, in the prescribed form, of all purchases, receipts, sales, and disposals in any manner, of game by him, and shall enter or cause to be entered in such register forthwith the prescribed particulars (which shall not include any particulars as to price) of such purchases, receipts, sales and disposals.

(2) Any person authorised in that behalf by the Ministry of Home Affairs, and any member of the Royal Ulster Constabulary of a rank not lower than sergeant, may inspect any register kept in pursuance of this section; and it shall be the duty of the licence-holder and of every

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person keeping such register to produce for inspection by such authorised person or member of the Royal Ulster Constabulary such register, and also all game on the premises, together with all invoices, consignment notes, receipts, and other documents (including copies thereof where the originals are not available) which may be required to verify any entry in such register, and to allow such authorised person or member of the Royal Ulster Constabulary to take copies of such register or documents or extracts therefrom.

(3) Any holder of a licence to deal in game who fails to comply with any provision of this section, and any person who obstructs any person entitled under this section to inspect any register or document in the making of such inspection, or who wilfully or negligently makes or causes to be made in such register any entry which is false or misleading in any material particular, shall be guilty of an offence under this Act.

(4) If the holder of a licence to deal in game is convicted of an offence under this section, the court by whom the conviction is made may declare such licence null and void. In the case of any such conviction within five years after a previous conviction for an offence under this section the licence shall thereupon become null and void, and the person convicted shall be incapable of holding a licence to deal in game for a period of five years from the date of such later conviction.

(5) For the purposes of this section—

(*a*) the expression "prescribed" means prescribed by the Ministry of Home Affairs;

(*b*) a demand for inspection of a register or other document shall be deemed to have been duly made to the licence-holder if such demand is made verbally on the premises of the licence-holder to any agent, employee, servant, or member of the family of, the licence-holder thereon.

Extension of definition of game for certain purposes. 1 & 2 Will. 4, c. 32 24 & 25 Vict., c. 91.

4.—(1) The Game Act, 1831, shall have effect as if in section two thereof the word "game" included woodcock and snipe, in addition to other species of game mentioned in the said section; and the provisions of the Game Licences Act, 1860 (as amended by section seventeen of the Revenue (No. 2) Act, 1861, and section two of the

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Customs and Inland Revenue Act, 1893) relating to excise licences to deal in game and the dealing in and selling of game without an excise licence, shall extend and apply to the dealing in and selling of woodcock and snipe. 56 & 57 Vict., c. 7.

(2) Section five of the Game Certificates (Ireland) Act, 1842, and section two of the Game Licences Act, 1860, shall have effect as if snipe were omitted from the several species of birds therein enumerated. 5 & 6 Vict., c. 81.

Marking of packages containing game.

5.—(1) From and after the commencement of this section every package containing game in course of transit in Northern Ireland shall be marked conspicuously on the outside with the word "game," and shall have also marked thereon or on a label affixed thereto the name and address of the consignor thereof.

(2) Where any package containing game is not marked in the manner required by this section, any person—

(*a*) sending or consigning such package for transit in Northern Ireland;

(*b*) carrying such package in Northern Ireland for reward, except in a case where such person proves that he did not know or could not reasonably have known that such package contained game;

shall be guilty of an offence under this Act.

Powers of police to enforce enactments relating to game.

6.—(1) Every officer or constable who has reasonable ground to suspect that any person is or has been guilty of an offence under this Act, or under any of the enactments enumerated in the Schedule to this Act, shall have power to do all or any of the following things, that is to say:—

(*a*) To stop and search any person conveying or believed to be conveying game, and to inspect any game which such person is found to be conveying, and for that purpose to open and search any vehicle or package in which such game is or may be or is believed to be conveyed.

(*b*) At all reasonable times to enter upon and have free access to the interior of—

(i) any premises in which game is or is believed to be sold, or kept, exposed, or stored for sale; or

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(ii) the premises of any person engaged in the business of carrying goods for reward ; or

(iii) any pier, quay, wharf, jetty, dock or dock premises ; or

(iv) any ship, boat, railway wagon, motor lorry, cart, or other vessel or vehicle used for the conveyance of goods ;

(*c*) To examine all game found in any place which he is authorised by this section to enter, and for that purpose to open any package found in such place and containing or believed to contain game ;

(*d*) To take, remove, and detain in his custody any game (either together with or without any package in which the same may be contained) found in the course of the exercise of any of the powers conferred by this section, in respect of which an offence under this Act or any of the enactments enumerated in the Schedule to this Act is being or is suspected of being committed, or which has been or is suspected of having been illegally obtained ;

(*e*) To demand and take the name and address of the person having custody of any game, and also to demand and take from such person the name and address of the owner or consignor of such game.

(2) When any officer or constable takes and detains in his custody under the authority of this section any game he shall, as soon as conveniently may be—

(*a*) take such steps as may be proper to have the person guilty or believed to be guilty of the offence committed, or believed to have been committed, in relation to such game brought before a court of summary jurisdiction as constituted under this Act ;

(*b*) produce such game to a justice of the peace who may authorise the same to be sold or destroyed.

Where a justice of the peace orders such game to be sold, and the person from whom it has been taken is convicted of any offence in relation to such game, the proceeds of such sale shall be added to, and dealt with in the same manner as, any penalty imposed for such offence.

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If no conviction takes place the game or the proceeds of the sale thereof (when such sale has been authorised by a justice of the peace) shall be restored to the person from whom the game was seized; and no officer or constable who, by direction of a justice in writing, sells or destroys any game so seized shall be liable to any penalty for such sale, or for any loss caused by such sale or destruction.

(3) No officer or constable shall be liable for any loss or damage occasioned by or in the course of the exercise of any of the powers conferred on him by this section, unless such loss or damage was caused by such officer or constable wantonly or maliciously.

(4) Every person who obstructs or impedes any officer or constable in the exercise of any of the powers conferred on him by this section, or refuses to give his own name and address, or the name and address (so far as known to him) of the owner or consignor of any game, when such name and address are demanded under the powers conferred by paragraph (*e*) of sub-section (1) of this section, shall be guilty of an offence under this Act.

Close season for woodcock and snipe.

7. No person shall wilfully take, kill or destroy any woodcock or snipe, between the fifteenth day of February and the twelfth day of August in any year, or wilfully destroy the eggs or nest of any woodcock; and any person offending against this section shall be liable to the same penalty as is imposed by an Act passed by the Irish Parliament in the session held in the twenty-seventh year of the reign of His Majesty King George the Third, chapter thirty-five, intituled, An Act for the Preservation of the Game, upon persons offending against that Act. Such of the provisions of the Wild Birds Protection Acts, 1880 to 1908, as prohibit, or authorise the making of orders prohibiting, the killing or taking of wild birds during any specified time, and the destroying of wild birds' eggs, shall cease to apply with respect to woodcock and snipe.

Penalties and legal proceedings.

8.—(1) Any person guilty of an offence under this Act shall be liable, on summary conviction thereof, in the case of a first offence to a fine not exceeding ten pounds, and in the case of a second or subsequent offence to a fine not exceeding twenty-five pounds, or at the discretion of the court to imprisonment for any term not

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exceeding three months, or to both such fine and imprisonment.

(2) All offences under this Act shall be prosecuted and all fines thereunder shall be recovered in manner provided by the Summary Jurisdiction (Ireland) Acts, notwithstanding anything contained in section forty-two of the Petty Sessions (Ireland) Act, 1851, or any similar enactment.

14 & 15 Vict., c. 93.

(3) A person aggrieved by a conviction or order made by a court of summary jurisdiction on determining any information or complaint under this Act may appeal in manner provided by the Summary Jurisdiction (Ireland) Acts.

(4) A court of summary jurisdiction, when trying any offence under this Act or under any of the enactments enumerated in the Schedule to this Act, shall be constituted of a resident magistrate sitting alone or with other resident magistrates; and a court of quarter sessions when hearing and determining an appeal from such court of summary jurisdiction shall be constituted of the county court judge or recorder sitting alone.

(5) When any person is charged with an offence other than an indictable offence under any of the enactments enumerated in the Schedule to this Act on the information or complaint of an officer or constable, such officer or constable may, where he considers it expedient to do so, prosecute such offence in the same manner as is provided in sub-section (2) of this section with respect to offences under this Act, notwithstanding that the Summary Jurisdiction (Ireland) Acts would not, apart from this Act, extend to such information or complaint.

(6) For the purposes of this section the expression "resident magistrate" means a magistrate appointed under the Constabulary (Ireland) Act, 1836, as amended by section six of the Constabulary Act (Northern Ireland), 1922.

12 & 13 Geo. 5 c. 8.

Commencement of Act.

9. The provisions of this Act with respect to the keeping of registers by the holders of licences to deal in game, and with respect to the marking of packages containing game, shall come into operation on such day

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as may be appointed by the Minister of Home Affairs, and before that day public notice of those provisions shall be given in such manner as the said Minister may direct.

Save as aforesaid, this Act shall come into operation on the passing thereof.

Short title and construction.

10.—(1) This Act may be cited as the Game Preservation Act (Northern Ireland), 1928.

(2) References in this Act to enactments of the Parliament of the United Kingdom shall be construed as references to those enactments as they apply in Northern Ireland.

(3) In this Act the expression "game" has, where the context does not otherwise require, the same meaning as the expression "game" in section two of the Game Act, 1831, as amended by any subsequent enactment and by this Act.

SCHEDULE.

Section 6, 8.

Session and Chapter.	*Title or Short Title.*
10 Wm. 3, c. 8 (Irish) (sections 5, 6. 7 and 17).	An Act for the Preservation of the Game, and the more easy Conviction of such as shall destroy the same.
27 Geo. 3, c. 35 (Irish).	An Act for the Preservation of the Game.
9 Geo. 4, c. 69.	The Night Poaching Act, 1828.
1 & 2 Wm. 4, c. 32.	The Game Act, 1831.
5 & 6 Vict., c. 81.	The Game Certificates (Ireland) Act, 1842.
23 & 24 Vict., c. 90.	The Game Licences Act, 1860.
25 & 26 Vict., c. 114.	The Poaching Prevention Act, 1862.
27 & 28 Vict., c. 67.	The Game Trespass Act, 1864.
33 & 34 Vict., c. 57.	The Gun Licence Act, 1870.
42 & 43 Vict., c. 23.	The Hares Preservation (Ireland) Act, 1879.
43 & 44 Vict., c. 47.	The Ground Game Act, 1880,

and any enactments amending the above-mentioned Acts or enactments.

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CHAPTER 26.

An Act to provide for the establishment, maintenance and management of a fund for the payment of compensation to the owners of certain live stock, which are exported from Northern Ireland and slaughtered under the authority of law at a port in Great Britain in consequence of an outbreak, or suspected outbreak or apprehended danger, of foot and mouth disease ; and to make provision for the method of investigating and determining claims for such compensation.

[18th December, 1928

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows :—

Establishment of Slaughtered Animals (Compensation) Trustees for Northern Ireland.

1.—(1) For the purposes of this Act there shall be established a body (in this Act referred to as "the Trustees"), which shall be a body corporate by the name of the Slaughtered Animals (Compensation) Trustees for Northern Ireland, with perpetual succession and a common seal.

(2) The seal of the Trustees shall be authenticated by the signature of any one of the Trustees, or of the secretary to the Trustees duly authorised by them to act in that behalf, and any document purporting to be sealed with the seal so authenticated shall be received as evidence of the particulars stated in that document.

Provisions as to appointment and constitution of Trustees.

2.—(1) The Trustees shall consist of six persons, all of whom shall be appointed as occasion requires by such organisation, consisting of representatives of the bodies now known as "The North of Ireland Cattle Traders' and Stock Owners' Association" and "The Londonderry and North-West Cattle Dealers' and Shippers' Association," as may be formed by those bodies and recognised by the Ministry of Agriculture for the purposes of this Act ; and such organisation as aforesaid is in this Act referred to as "the Association."

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(2) Every appointment made by the Association as aforesaid shall be evidenced by writing under the hand of the chairman of the Association.

(3) Such member of the Trustees as the Trustees shall from time to time nominate for the purpose shall be the chairman of the Trustees.

(4) The Trustees shall appoint a fit and proper person (not being a member of the Trustees) to be their secretary, and there shall be paid to such secretary out of the funds at the disposal of the Trustees under this Act such remuneration, not exceeding the sum of one hundred pounds per annum, and expenses (if any) as the Trustees may from time to time determine.

(5) The provisions contained in the Schedule to this Act shall have effect with respect to the term of office, meetings and procedure of the Trustees.

(6) The first appointment of Trustees shall be made on or before such date as the Ministry of Agriculture may determine.

Qualification of Trustees.

3.—(1) Every member of the Trustees shall be a person who is ordinarily resident in Northern Ireland and is engaged in the business of exporting live stock from Northern Ireland.

(2) At least four members of the Trustees shall be persons engaged in the business of exporting cattle or sheep from Northern Ireland, and at least one member of the Trustees shall be a person engaged in the business of exporting pigs from Northern Ireland.

Establishment of Slaughtered Animals (Compensation) Fund.

4.—(1) The Trustees shall establish, maintain and manage in accordance with this Act a fund to be known as the Slaughtered Animals (Compensation) Fund for Northern Ireland (in this Act referred to as "the compensation fund").

(2) There shall be credited to the compensation fund by the Trustees all moneys received by them under this Act, and there shall be paid out of the said fund—

(*a*) all compensation payable under this Act;

(*b*) all moneys required for the repayment of moneys borrowed under this Act by the Trustees or for the payment of interest on such moneys;

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(*c*) all sums directed by this Act to be paid by the Trustees out of the funds at their disposal under this Act; and

(*d*) all expenses incurred by the Trustees in the execution of this Act.

Scale of Charges.

5. The owner of any animals which are delivered on or after the appointed day to a shipowner for shipment from any port in Northern Ireland to any port in Great Britain shall, in the manner provided by this Act, pay to the Trustees for and in respect of such animals the appropriate charges in accordance with the following scale (in this Act referred to as "the scale of charges") that is to say:—

(*a*) On every head of cattle the sum of twopence and one halfpenny;

(*b*) On every sheep, the sum of one halfpenny;

(*c*) On every pig, the sum of one penny.

Method of payment of charges.

6.—(1) The charges payable under this Act to the Trustees by the owner of any animals shall be paid by the purchase by such owner from the Trustees or their agents of adhesive stamps supplied by the Trustees under this Act and of the appropriate value having regard to the nature and number of the animals for and in respect of which such charges are payable as aforesaid.

(2) The Trustees shall for the purpose of this Act cause to be prepared, and shall supply and put on sale at such places and in such quantities as the Trustees think fit, adhesive stamps of such denominations as, having regard to the scale of charges, the Trustees consider appropriate.

(3) If any person forges or counterfeits any stamp supplied by the Trustees under this section or uses, sells or exposes or offers for sale any stamp which is to his knowledge a forgery or counterfeit of any stamp so supplied, such person shall be guilty of an offence and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds.

The owner's statement.

7.—(1) The owner of any animals which are delivered on or after the appointed day to a shipowner for shipment from a port in Northern Ireland to a port in

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Great Britain, or the agent of such owner, shall prepare, in the prescribed form, and deliver to such shipowner a statement in writing (in this Act referred to as "the owner's statement") containing the following particulars:—

(*a*) The number (in writing and in figures) and description of such animals, corresponding to the number and description thereof given by such owner in the application made by him to the veterinary inspector of the Ministry of Agriculture for a certificate of health required in respect of such animals under any order made under the Diseases of Animals Acts and for the time being in force;

(*b*) The name and the address of such owner.

(2) The owner of such animals as aforesaid or the agent of such owner shall, in the prescribed manner, affix to the owner's statement adhesive stamps of the appropriate value, having regard to the scale of charges, in respect of the shipment of such animals, and such stamps shall be so affixed before the owner's statement is delivered by such owner or agent to the shipowner to whom the animals, to which the statement relates, are delivered for shipment as aforesaid.

(3) Every owner's statement stamped in accordance with this section shall be delivered to the said shipowner at the same time as the certificate of health relating to the animals, to which the statement relates, is delivered to the said shipowner.

(4) The shipowner to whom an owner's statement is delivered under this section shall, before taking on board the animals to which the statement relates, satisfy himself that the statement contains the particulars which it is required by this section to contain, and that, having regard to the number and nature of the animals to which such statement relates, there are duly affixed thereto adhesive stamps of the appropriate value in accordance with the scale of charges.

(5) Where the shipowner is satisfied:—

(*a*) that the owner's statement delivered to him under this section does not contain the particulars which the owner's statement is required by this section to contain; or

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(*b*) that the particulars contained therein are inaccurate or misleading in any material respect, or are insufficient having regard to the provisions of this section; or

(*c*) that the said statement is not duly stamped in accordance with this section,

then in any such case the shipowner may refuse to take on board the animals to which the owner's statement relates.

(6) If a shipowner takes on board any animals in respect of which an owner's statement is required by this section to be delivered to him, and so takes on board such animals without the delivery to him of an owner's statement duly stamped in accordance with this section, such shipowner shall be liable to pay to the Trustees, and the Trustees shall be entitled to recover from such shipowner as a civil debt, either the whole of the charges payable under this Act in respect of such animals, or so much of such charges as are not paid by means of the stamps affixed to such owner's statement (as the case may require).

(7) Every owner's statement which is delivered to a shipowner under this section shall be retained by such shipowner for a period of six months from the date of such delivery, and such shipowner shall, during the said period, produce such statement to the secretary to the Trustees for inspection by him if and whenever requested by him so to do.

Compensation in respect of slaughtered animals.

8. Whenever animals which have been exported on or after the appointed day from Northern Ireland to a port in Great Britain are, while undergoing detention at such port, slaughtered by reason of the requirements of the British authorities in consequence of an outbreak, or suspected outbreak or apprehended danger, of foot and mouth disease, the owner of such animals shall, subject to the provisions of this Act, be entitled to be paid in respect of such slaughter compensation under this Act of such amount as shall be assessed under and in accordance with this Act.

Committees of assessors.

9.—(1) Every claim for compensation under this Act in respect of the slaughter of any cattle or sheep shall be investigated by a committee of assessors con-

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sisting of three persons who shall, so far as qualified members of the Trustees are available, be members of the Trustees and be appointed by the Trustees, and shall, so far as such members are not available, be persons engaged in the business of exporting cattle or sheep from Northern Ireland and be appointed by the Association on the request of the Trustees, but no such committee of assessors shall include a member of the Trustees who was nominated to be such member on account of his being engaged in the business of exporting pigs from Northern Ireland.

(2) Every claim for compensation under this Act in respect of the slaughter of any pigs shall be investigated by a committee of assessors consisting of three persons who shall, so far as qualified members of the Trustees are available, be members of the Trustees who were nominated as such members on account of their being engaged in the business of exporting pigs from Northern Ireland, and be appointed to such committee by the Trustees, and shall, so far as such members are not available, be persons engaged in the business of exporting pigs from Northern Ireland and be appointed by the Association on the request of the Trustees.

(3) A person who has a pecuniary interest in a claim for compensation under this Act shall be disqualified from being a member of the committee of assessors investigating such claim.

(4) Committees of assessors for the purposes of this section shall be appointed by the Trustees, and by the Association on the request of the Trustees, respectively, as and when occasion requires or the Trustees consider such appointment desirable.

Assessment of value of animals.

10.—(1) Whenever it comes to the knowledge of the Trustees that any animals exported on or after the appointed day from Northern Ireland to a port in Great Britain have been or are about to be slaughtered at such port by reason of the requirements of the British authorities in consequence of an outbreak, or suspected outbreak or apprehended danger, of foot and mouth disease, a committee of assessors appointed under this Act and qualified to investigate claims for compensation under this Act in respect of the slaughter of such animals shall

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proceed forthwith to such port, and there assess the value for the purposes of such compensation of all animals so slaughtered or about to be slaughtered, in respect of the slaughter of which claims for such compensation could or might be sustainable under this Act.

(2) The following provisions shall apply to the assessment under this Act of the value of animals which have been or are about to be slaughtered, that is to say :—

(*a*) The value of animals which have been or are about to be slaughtered on account of their being actually infected with foot and mouth disease shall be assessed as at the time immediately before they became so infected ;

(*b*) The value of animals which have been slaughtered without their being actually so infected shall be assessed as at the time immediately before they were slaughtered ;

(*c*) The value of animals which are about to be slaughtered without their being actually so infected shall be assessed as at the time of such assessment ;

(*d*) Depreciation due solely to the animals being or having been in an area in which they were exposed to the danger of becoming infected with foot and mouth disease shall be disregarded.

Determination of claims for compensation.

11.—(1) When a committee of assessors has assessed under this Act the value of any animals, such committee shall investigate, whether in Northern Ireland or elsewhere, as may be most convenient, all claims for compensation under this Act in respect of such animals, and shall in respect of every such claim determine whether the claimant is or is not entitled to such compensation ; and where such committee determines that any such claimant is entitled to such compensation, the committee shall fix the amount of such compensation having regard to the value as assessed by them of the animals to which the claim relates and such other matters as may be brought before them by the claimant.

(2) Every committee of assessors shall forthwith report to the Trustees their decision on every claim for compensation under this Act investigated by them, and

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the amount (if any) of the compensation fixed by them as payable under this Act in respect of such claim.

(3) A committee of assessors may, with the consent of the owner of any animal the value of which has been assessed by them under this section, and subject to any directions which may be given by the British Authorities, sell the carcase of such animal, and the said committee shall pay the proceeds of such sale into the compensation fund.

(4) If the owner of any such animal as aforesaid refuses his consent to the sale by a committee of assessors of the carcase of such animal under this section, such owner shall not be entitled to compensation under this Act in respect of the slaughter of such animal.

(5) Where a committee of assessors report under this section to the Trustees that a claimant for compensation under this Act is entitled to such compensation, the Trustees shall pay out of the compensation fund to such claimant the amount of such compensation as fixed by the said committee.

(6) The determination under this Act by a committee of assessors of a claim for compensation under this Act shall be final and conclusive, both as to the right to such compensation and the amount (if any) thereof.

Compensation in special cases.

12.—(1) Any person who is resident in Northern Ireland, and who claims to have been the owner, or to be the personal representative of the owner, of any cattle to which this section applies, may make an application to the Trustees for compensation in respect of such cattle.

(2) The Trustees, on receipt by them from any such person as aforesaid of an application under this section for compensation, and after such inquiry as the Trustees think fit to make, may, if they so think fit, pay to such person out of the compensation fund such compensation in respect of all or any of the cattle to which such application relates as the Trustees, having regard to all the circumstances of the case, think just.

(3) This section applies to all cattle which—

(*a*) were exported from Northern Ireland whether through a port in Northern Ireland or not; and

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(*b*) were at any time prior to the passing of this Act slaughtered at a port in Great Britain by reason of the requirements of the British authorities in circumstances similar to those in which, had such slaughter taken place after the passing of this Act and the charges imposed by this Act in respect of cattle exported on or after the appointed day from Northern Ireland to a port in Great Britain been paid in respect of such cattle, compensation would be payable by the Trustees out of the compensation fund to the owners thereof under this Act.

Suspension of charges.

13.—(1) Whenever the compensation fund amounts to the sum of five thousand pounds (the invested portion being taken at the current market prices) or the Trustees are of opinion that the compensation fund is at the time being sufficient to meet all charges which may reasonably be expected to be payable thereout during the then ensuing six months, the Trustees shall forthwith so inform the Ministry of Agriculture; and thereupon the said Ministry may, if it so thinks fit, by order made after consultation with the Trustees suspend, for such time from the date of the order as shall be specified in the order, the payment by the owners of animals exported to Great Britain from Northern Ireland of the charges required by this Act to be paid by them in respect of such animals.

(2) Every order made by the Ministry of Agriculture under this section may be amended, revoked, or continued by a subsequent order made by the said Ministry.

(3) No order made under this section shall operate to relieve from, or to impose, a liability to pay charges under this Act in respect of animals exported from Northern Ireland before the date of such order.

Powers of borrowing.

14. The Trustees may borrow money for the purpose of the compensation fund, whenever and to such extent and on such terms as they in their discretion shall think proper.

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Investment of compensation fund in trustee securities.

15.—(1) So much of the compensation fund as, in the opinion of the Trustees, is for the time being not immediately required for the payment of sums payable out of the said fund under this Act shall be invested by the Trustees in securities in which trustees are by the law for the time being in force authorised to invest trust funds.

(2) The Trustees may from time to time at their discretion vary or transpose all moneys invested under this section into other investments authorised under this section, and may at any time, for the purpose of such variation or transposition, or in order to utilise for the purposes of this Act the invested portion of the compensation fund, sell and convert into money all or any investments made by them under this section.

(3) All dividends and interest received by the Trustees on investments made by them under this section shall be paid into the compensation fund.

Travelling expenses and allowances.

16.—(1) The Trustees shall, out of the funds at their disposal under this Act, pay to the members of the Trustees, in respect of their attendance at meetings of the Trustees, travelling expenses and subsistence allowance at such rates and on such scales as shall from time to time be fixed by the Association.

(2) The Trustees shall, out of the funds at their disposal under this Act, pay to the members of committees of assessors (whether such members are or are not also members of the Trustees), in respect of their performance of their duties as such members under this Act, travelling expenses and subsistence allowance at such rates and on such scales as shall from time to time be fixed by the Association.

Accounts and audit.

17.—(1) The Trustees shall, within one month after the expiration of the financial year ending on the thirty-first day of March, nineteen hundred and twenty-nine and within one month after the expiration of every subsequent financial year, prepare an account showing all payments into and disbursements from the compensation fund and all investments, sales of investments and other dealings with the compensation fund during the financial year to which such account relates.

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(2) Every account prepared under this section shall, within one month after the preparation thereof, be audited by auditors appointed for the purpose by the Trustees, and the expenses of the audit of every such account shall be defrayed by the Trustees out of the funds at their disposal under this Act.

(3) The secretary to the Trustees shall, upon the request of any person engaged in the business of exporting live stock from Northern Ireland, or upon the request of the Ministry of Agriculture, furnish to such person, or to the said Ministry, without the payment of any premium or fee, a copy of any account prepared and audited under this section.

Power of Trustees to make rules.

18. The Trustees may make rules in regard to all or any of the following matters, that is to say :—

(*a*) The summoning of meetings of the Trustees ;

(*b*) The procedure of the Trustees at their meetings, including the method of determination at such meetings of matters required to be determined thereat ;

(*c*) The form and method in which applications for compensation under this Act are to be made ;

(*d*) The procedure of committees of assessors appointed under this Act, including the method of determination by such committees of matters requiring to be determined by them ;

(*e*) All matters and things referred to in this Act as prescribed or to be prescribed by the Trustees ;

(*f*) Any other matter or thing relating to the exercise by the Trustees of their functions under this Act which the Trustees think proper to regulate or prescribe by rules.

Provision for exercise of functions of the Association, Trustees and committees of assessors.

19. If the Association is not constituted, or at any time ceases to exist, or the Association or the Trustees fail to perform their respective functions under this Act, the Ministry of Agriculture may, notwithstanding anything in this Act, make such arrangements as the said Ministry thinks fit for the performance of those functions and of the functions of committees of assessors under this Act.

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Where any such arrangements are made the assets and liabilities of the compensation fund shall, if the said Ministry so direct, be transferred to, and vest in, the said Ministry by virtue of this Act, for the purposes for which the said fund has been established.

Appointed days.

20. This Act shall come into operation on such day as the Ministry of Agriculture may appoint, and different days may be appointed by the said Ministry for different purposes and for different provisions of this Act.

Interpretation.

21. In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"Cattle" includes bulls, cows, bullocks, heifers and calves:

"Sheep" includes rams, ewes, wethers and lambs:

"Pig" includes a boar, sow, hog or bonham:

"Live stock" includes cattle, sheep and pigs:

"Animals" includes any kind of live stock:

"Shipowner" includes the master of any ship and every other person authorised to act as agent for the owner of such ship or entitled to receive the freight, demurrage, or other charges in respect of such ship:

"British authorities" means the Minister or other officer or person having for the time being authority by law in Great Britain to require animals to be slaughtered in consequence of an outbreak, or suspected outbreak or apprehended danger, of foot and mouth disease:

"Diseases of Animals Acts" means the Diseases of Animals Acts, 1894 to 1922, as they apply in Northern Ireland, and any other enactment, including the Administrative Provisions Act (Northern Ireland), 1926, whereby the Diseases of Animals Act, 1894, has been extended or amended in its application to Northern Ireland: 16 & 17 Geo. 5, c. 4. 57 & 58 Vict., c. 57.

"Prescribed" means prescribed by rules made by the Trustees under this Act.

Short title.

22. This Act may be cited as the Slaughtered Animals (Compensation) Act (Northern Ireland), 1928.

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SCHEDULE.

Section 2.

TERM OF OFFICE, MEETINGS AND PROCEDURE OF THE TRUSTEES.

Term of Office.

1. Subject to the provisions of article 2 of this Schedule, every member of the Trustees shall, unless he sooner dies, resigns, or becomes disqualified, hold his office as such member for the term of ten years to be reckoned—

(*a*) in the case of the first members, from the first appointment of the Trustees; and

(*b*) in the case of every subsequent member, from the expiration of the term of office of his predecessor.

2. A member of the Trustees appointed to fill a casual vacancy in the membership of the Trustees shall, unless he sooner dies, resigns or becomes disqualified, hold office for the residue of the term for which the member, whose death, resignation or disqualification occasioned the vacancy, would have held office if he had not died, resigned or become disqualified.

3. A member of the Trustees may at any time resign his office as such member by letter addressed to the secretary of the Trustees, and every such resignation shall take effect at the commencement of the meeting of the Trustees commencing next after the receipt of such resignation by the Trustees.

4. A member of the Trustees shall become disqualified for office as such member upon the happening of any of the following events, that is to say:—

(*a*) The absence of such member from four consecutive ordinary meetings of the Trustees;

(*b*) The ceasing of such member to have the qualifications required by this Act for membership of the Trustees.

5. Every member of the Trustees shall, on the cessation of his membership by lapse of time, be eligible for re-appointment.

Meetings of the Trustees.

6. The first ordinary meeting of the Trustees shall be held not later than one month after the appointment of the first members of the Trustees; and all subsequent ordinary meetings of the Trustees shall be held at such times (not being less frequently than once in every period of three consecutive months) as the Trustees may appoint either generally or in respect of any particular ordinary meeting.

7.—(i) The first meeting of the Trustees for the purpose of appointing a Chairman, and transacting any other necessary business of a preliminary nature, shall be summoned by the Minister of Agriculture for Northern Ireland.

(ii) The first ordinary meeting of the Trustees shall be summoned by the Chairman of the Trustees by notice sent by post addressed to each member of the Trustees at his usual place of residence, and every subsequent ordinary meeting of the Trustees shall be summoned by their secretary in the prescribed manner.

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8. A special meeting of the Trustees may be held for any purpose, and at any time, for and at which the Chairman of the Trustees considers a special meeting necessary or desirable, and every such meeting shall be summoned by the secretary to the Trustees in the prescribed manner.

Procedure.

9. The procedure of the Trustees at their meetings and otherwise shall be regulated by the prescribed rules.

10. Three members of the Trustees shall constitute a quorum at any meeting of the Trustees.

11. At every meeting of the Trustees, the Chairman of the Trustees, if present, shall be the Chairman of the meeting; and, if such Chairman is absent, such member of the Trustees as the members then present may choose shall be the chairman of the meeting.

12. The chairman at a meeting of the Trustees shall have a second or casting vote.

13. The Trustees may act notwithstanding a vacancy in their membership.

Deputy Chairman.

14. If, at any time, the Chairman of the Trustees is temporarily incapable, through illness or absence from Northern Ireland, of performing his duties as such Chairman, the Trustees may nominate any member of the Trustees to be Deputy Chairman during such incapacity of the Chairman, and may at any time remove such Deputy Chairman; and every such Deputy Chairman shall, while he continues to be Deputy Chairman, have all the powers and duties of the Chairman of the Trustees, and for that purpose references in this Schedule to the Chairman of the Trustees shall be construed as including any such Deputy Chairman.

CHAPTER 27.

An Act to amend and extend the provisions of the Marketing of Eggs Acts (Northern Ireland), 1924 and 1926. [18th December, 1928.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

Preserving, cold and chemical storage and pickling of eggs. 14 & 15 Geo 5. c. 15.

1.—(1) Section two of the Marketing of Eggs Act (Northern Ireland), 1924 (in this Act referred to as "the principal Act") shall have effect as if for sub-section (1) of that section there were substituted the following sub-section:—

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"(1) All premises used or intended to be used by way of trade or for purposes of gain for the preserving, cold-storage, chemical-storage or pickling of eggs shall be registered by the owner or occupier thereof from time to time in such manner as the Ministry may prescribe, and every such owner or occupier carrying on the preserving, cold-storage, chemical-storage or pickling of eggs on premises not duly registered shall be guilty of an offence against this Act."

(2) Section three of the principal Act (which relates to the marking of egg packages and description of eggs) shall apply to chemically-stored eggs in like manner as it applies to cold-stored eggs.

(3) Section six of the principal Act (which relates to powers of officers for carrying the Act into execution) shall have effect as if—

(*a*) for paragraph (*c*) of sub-section (1) of that section, there were substituted the following paragraph:—

"(*c*) to enter, at all reasonable times, any premises registered for the preserving, cold-storage, chemical-storage or pickling of eggs by way of trade or for purposes of gain;"

(*b*) the chemical-storage of eggs were mentioned in sub-section (2) of that section, in addition to the preserving, cold-storage and pickling of eggs;

(*c*) the words "or for purposes of gain" were inserted in sub-section (2) of that section after the words "by way of trade."

(4) In this Act the expression "chemical-storage" means storage for the purpose of preserving eggs by any process which does not alter the composition of the shells, including storage in any gas, vapour or gaseous mixture.

Removal of cold-stored and chemically-stored British eggs. 16 & 17 Geo. 5, c. 53.

2. If and so long as any Order of His Majesty in Council made under section two of the Merchandise Marks Act, 1926, is in force prohibiting the sale or the exposure for sale in the United Kingdom of imported eggs unless they bear an indication of origin, the following provisions shall have effect, that is to say:—

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(*a*) It shall not be lawful to cause eggs produced in the United Kingdom (in this section referred to as "British eggs"), which have been kept in cold-storage or chemical-storage in any premises used for such storage of eggs by way of trade or for purposes of gain, to be removed from such premises unless the eggs have been marked in such manner and at such time as the Ministry of Agriculture (in this Act referred to as "the Ministry") may prescribe, and for the purpose of securing the enforcement of this provision the Ministry may, by notice in writing served on the occupier of any premises registered under sub-section (1) of section two of the principal Act (as amended by this Act), give directions that British eggs which have been kept in cold-storage or chemical-storage in any part of the premises are not to be removed from such parts of the premises as may be specified in the notice until they have been marked in the manner prescribed by the Ministry, and a copy of any notice so served shall be kept by the occupier conspicuously posted in such parts of the premises as the Ministry may direct; and if any person contravenes or fails to comply with the provisions of this paragraph or of any directions given thereunder, he shall be guilty of an offence against the principal Act;

(*b*) The foregoing provisions of this section shall apply to eggs coming within the provisions of sub-section (3) of section thirteen of the Merchandise Marks Act, 1926, in like manner as they apply to British eggs;

(*c*) An officer of the Ministry, if authorised by the Ministry in that behalf and on production, if so required, of his authority, may at any time during the hours when the premises are open for business enter any premises, if he has reasonable ground to believe that eggs are kept in cold-storage or chemical-storage therein, and may search for and inspect eggs in the premises, and may require any person whom he finds in or about the premises to give such information as may reasonably be demanded

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of him as to any name and address required by the officer for the purpose of enabling him to carry out his duties under this section, and any person who obstructs an officer so authorised in the execution of the powers conferred on him by this section or wilfully withholds any information which any such officer is empowered by this section to require of him shall be guilty of an offence against the principal Act;

(*d*) If any person removes, alters or obliterates any mark which, in compliance with the requirements of the foregoing provisions of this section, was borne by any egg at the time when it was stored in any such premises as aforesaid, or sells or exposes for sale any egg from which such a mark has been removed or on which such a mark has been altered or obliterated, such person shall, unless he proves that he acted without intent to defraud, be guilty of an offence against the principal Act, and in the case of a second or subsequent offence against this paragraph the court may, in addition to any other penalty, order any eggs in relation to which the offence has been committed to be forfeited.

Marking of preserved eggs.

3.—(1) Subject as hereinafter provided, it shall not, after the twenty-eighth day of February, nineteen hundred and twenty-nine, be lawful to sell or expose for sale any egg which has been subjected to any process of preservation unless the egg is marked in such manner as the Ministry may prescribe, and any person who acts in contravention of this section shall be guilty of an offence against the principal Act:

Provided that the Ministry shall by rules exempt from the operation of this section eggs preserved by any process with respect to which the Ministry is satisfied that the marking of eggs preserved by that process cannot be enforced.

(2) If the Ministry has reason to believe that the provisions of this section are being contravened, the Ministry may specially authorise an officer to enter any premises and take and examine samples of eggs, and to ascertain, if necessary, by submitting any samples for

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expert examination, whether an offence to which this section applies has been committed.

(3) Paragraph (*d*) of sub-section (1) of section three of the principal Act shall cease to have effect with respect to eggs exposed in lots, where each egg so exposed is marked with an indication that it has been subjected to some process of preservation.

Short title, construction, and citation.

4. This Act may be cited as the Marketing of Eggs Act (Northern Ireland), 1928, and shall be construed as one with the Marketing of Eggs Acts (Northern Ireland), 1924 and 1926; and those Acts and this Act may be cited together as the Marketing of Eggs Acts (Northern Ireland), 1924 to 1928.

CHAPTER 28.

An Act to apply a Sum out of the Consolidated Fund of Northern Ireland to the service of the year ending on the thirty-first day of March, nineteen hundred and twenty-nine, and to appropriate the further Supplies granted in this Session of Parliament. [18th December, 1928].

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, for the purpose of making good the supply and applying the sums which the House of Commons have, in pursuance of recommendations from the Governor of Northern Ireland, granted to His Majesty in this Session of Parliament, as follows:—

GRANT OUT OF CONSOLIDATED FUND.

Issue of £26,078 out of the Consolidated Fund.

1. The Ministry of Finance may issue out of the Consolidated Fund of Northern Ireland, and apply towards making good the supply granted to His Majesty for the service of the year ending on the thirty-first day of March, nineteen hundred and twenty-nine, the sum of twenty-six thousand and seventy-eight pounds.

Power for the Ministry of Finance to borrow.

2.—(1) The Ministry of Finance may borrow from any person, by the issue of Treasury Bills or otherwise, on the credit of the said sum, any sum or sums not exceeding in the whole thirteen thousand pounds.

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(2) The date of payment of any Treasury Bills issued under this section shall be a date not later than the thirty-first day of March, nineteen hundred and twenty-nine, and section six of the Treasury Bills Act, 1877 (which relates to the renewal of bills) shall not apply with respect to those Bills.

40 & 41 Vict., c. 2.

(3) Any money borrowed otherwise than on Treasury Bills shall be repaid, with any interest due thereon, out of the growing produce of the said Consolidated Fund at any date not later than the quarter next succeeding to that in which the money was borrowed.

(4) Any money borrowed under this section shall be placed to the credit of the account of the Exchequer of Northern Ireland, and shall form part of the said Consolidated Fund, and be available in any manner in which such Fund is available.

APPROPRIATION OF GRANT.

Appropriation of grant.

3. The sum granted by this Act out of the said Consolidated Fund towards making good the supply granted to His Majesty is appropriated for the several services and purposes expressed in the Schedule of this Act.

Short title.

4. This Act may be cited as the Appropriation (No. 2) Act (Northern Ireland), 1928.

SCHEDULE.

SCHEDULE of sums granted to defray the charges of the several Services herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March, 1929, viz. :—

No.		Sums Granted.
	CLASS I.	
3.	For a grant in aid of the Government Hospitality Fund.	£ 400
	CLASS II.	
10.	For a grant to provide for the establishment of a Freight Rebates Fund	10,000
11.	For expenditure in connection with the maintenance of the Thiepval War Memorial	6,755
	CLASS VII.	
2.	For the expenses of the Ministry of Commerce in respect of harbours and railway, fishery and commercial services, including certain grants in aid ..	8,923

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CHAPTER 29.

A.D. 1928.

An Act to grant a stamp duty upon certain bankers' licences, and to amend the law relating to stamp duty and a duty of Excise.

[18th December, 1928.]

WHEREAS His Majesty's most dutiful and loyal subjects, the Commons of Northern Ireland in Parliament assembled, towards raising the necessary supplies to defray His Majesty's public expenses, and making an addition to the public revenue, in Northern Ireland, have freely and voluntarily resolved to give and grant unto His Majesty the duty hereinafter mentioned: Be it therefore enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

Stamp Duty.

Stamp duty on licence to banker.

1. There shall as from the twenty-fifth day of March, nineteen hundred and twenty-nine, be charged, levied and paid on a licence to be taken out annually by a banker in accordance with the provisions of this Act a stamp duty of thirty pounds.

Issue of, and conditions as to, banker's licence.

2.—(1) No banker shall carry on the business of banking in Northern Ireland unless licensed to do so by the Ministry of Finance; and the Ministry of Finance may, if it thinks fit, grant licences to bankers accordingly, in such form as the said Ministry may prescribe:

Provided that the said Ministry shall, on application by any banker specified in the Schedule to this Act, annually grant to such banker a licence under this section.

(2) A licence under this section shall continue in force for one year or less, in like manner as a licence under the Bankers' Composition (Ireland) Act, 1828 (in this Act referred to as "the Act of 1828"), and shall, as respects its grant and continuance, be subject to the regulations contained in section four of the Act of 1828.

9, Geo 4, c 80.

(3) A separate licence shall be taken out under this section in respect of every town or place where the business of banking is to be carried on:

Provided that no banker shall be required to take out more than four licences in all for any number of

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towns or places in Northern Ireland, and that, if any banker carries on business in more than four different towns or places, then after taking out three separate licences for three of such towns or places, such banker shall be entitled to have the rest of such towns or places included in a fourth licence, and that, if any banker after having taken out four separate licences begins to carry on business at any town or place not named in any of the said four licences, it shall not be necessary to include such last-mentioned town or place in any licence until the twenty-fourth day of March next following.

(4) Where a banker has taken out for the year ending on the twenty-fourth day of March, nineteen hundred and twenty-nine, a licence under the Act of 1828 to issue unstamped promissory notes, the licence to be taken out annually under this section by such banker (in this Act referred to as " a note-issuing banker ") shall operate as a licence under the Act of 1828, so long as such banker complies with the conditions for the payment of composition for stamp duty and other conditions applicable to a licence under the Act of 1828 ; and the Act of 1828 shall apply to a note-issuing banker as if, for the licence under that Act, there were substituted a licence under this section.

(5) This section and the Act of 1828 shall apply to the Bank of Ireland as if that Bank were a note-issuing banker as defined in this section, and section nineteen of the Stamp Duties (Ireland) Act, 1815, and section fourteen of the Act of 1828 are hereby repealed as respects Northern Ireland.

55 Geo. 3, c. 100.

(6) The Ministry of Finance may, in connection with the issue of licences to note-issuing bankers under this section, either require or dispense with the giving of security by bond for the performance of the conditions mentioned in section seven of the Act of 1828.

(7) A banker carrying on the business of banking in Northern Ireland without a licence under this section shall be liable, on summary conviction, to a fine not exceeding fifty pounds for every day during which such banker carries on such business without a licence as aforesaid ; and if such banker is a company, every director and manager of the company who knowingly and wilfully authorises the business of banking to be so carried on without a licence shall be liable, on summary conviction, to the like penalty.

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(8) In this Act the expression "banker" means any person carrying on the business of banking in Northern Ireland, whether by the issue of bank notes or otherwise.

Composition for stamp duties on bills of exchange and bank post bills.

3.—(1) The Ministry of Finance shall have power to compound and agree with any banker—

(*a*) for a composition in lieu of the stamp duties payable on the bills of exchange made or drawn by such banker; and

(*b*) for a composition in lieu of the stamp duties payable on the bank post bills made or drawn by such banker for any sum of money amounting to five pounds or upwards;

and the composition shall be made on such terms and conditions, and with such security for the payment of the same and for the keeping, producing and rendering of accounts, as the Ministry of Finance may deem to be proper; and, upon such agreement for composition being entered into by a banker, it shall be lawful for him to make, draw and issue all bills, for which the composition has been or is to be made, on unstamped paper, notwithstanding anything to the contrary contained in any Act.

16&17 Vict., c. 63. 27 & 28 Vict., c. 86.

(2) Section seven of the Bankers' Composition (Scotland) Act, 1853, and section one of the Bank Post Bills Composition (Ireland) Act, 1864, are hereby repealed as respects Northern Ireland.

Entertainments Duty.

Exemption of race meetings from entertainments duty. 6 & 7 Geo. 5. c. 11.

4. As from the first day of June, nineteen hundred and twenty-eight, entertainments duty within the meaning of section one of the Finance (New Duties) Act, 1916, shall not be charged or levied on payments for admission to any entertainment as respects which it is proved to the satisfaction of the Ministry of Finance that the entertainment consists solely of one or more horse races.

Explanation of s. 2 of 17 & 18 Geo. 5. c. 11 as to exemption of games, &c. from entertainments duty.

5. It is hereby declared that for the purposes of section two of the Finance Act (Northern Ireland), 1927 (which provides for the exemption of certain entertainments from entertainments duty)—

(*a*) references in that section to games or sports played or contested by any persons include references to gymnastic and athletic displays; and

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(*b*) boxing is a sport which is ordinarily contested indoors.

Repayment of entertainments duty in cases of entertainments for philanthropic or charitable purposes.

6. The provisions of sub-section (5) of section one of the Finance (New Duties) Act, 1916 (as amended by subsequent enactments), which require in certain cases the repayment of the amount of entertainments duty to the proprietor of an entertainment, shall have effect as if after the words "and that the whole of the expenses of the entertainment do not exceed thirty per cent. of the receipts" there were added the words "or the sum of ten pounds, whichever amount is the greater."

Supplemental.

Construction and short title.

7.—(1) References in this Act to enactments of the Parliament of the United Kingdom shall be construed as references to those enactments as they apply in Northern Ireland.

(2) References in this Act to the Ministry of Finance shall be construed as references to that Ministry acting in the execution of the powers transferred to it either from the Commissioners of Inland Revenue or from the Commissioners of Customs and Excise (as the case may require), and as including references to any officer of a department of the Government of the United Kingdom who is acting in the execution of any such powers on behalf of that Ministry by virtue of an arrangement under section sixty-three of the Government of Ireland Act, 1920.

10 & 11 Geo. 5 c. 67.

(3) This Act may be cited as the Finance (No. 2) Act (Northern Ireland), 1928.

Section 2.

SCHEDULE.

The Bank of Ireland.
The Provincial Bank of Ireland, Limited.
The National Bank, Limited.
The Belfast Banking Company, Limited.
The Ulster Bank, Limited.
The Northern Banking Company, Limited.
The Hibernian Bank, Limited.
The Munster and Leinster Bank, Limited.

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CHAPTER 30.

A.D. 1928.

An Act to make provision, with a view to the grant of relief from rates in respect of certain classes of hereditaments in Northern Ireland, for the distinction in valuation lists of the classes of hereditaments to be affected, and the apportionment in valuation lists of the net annual values of such hereditaments according to the extent of the user thereof for various purposes.

[18th December, 1928.]

BE it enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows :—

Distinction of Hereditaments in Valuation Lists.

Distinction of hereditaments and apportionment of values in valuation lists.

1.—(1) The valuation lists shall show, by distinguishing mark or otherwise, what hereditaments are respectively—

(*a*) agricultural hereditaments ;

(*b*) industrial hereditaments ;

(*c*) freight-transport hereditaments ;

and where by this Act the net annual value of any such hereditament is required to be apportioned, such apportionment shall be shown in the valuation lists.

(2) Valuation lists which will come into force after the first day of October, nineteen hundred and twenty-nine, shall be made by the Commissioner of Valuation in conformity with the provisions of this Act, and the Irish Valuation Acts shall apply accordingly.

(3) For the purpose of enabling valuation lists which will be in force on the first day of October, nineteen hundred and twenty-nine, to be brought into conformity with this Act, the provisions set out in the Schedule to this Act shall have effect.

Provisions as to Agricultural Hereditaments.

Definition of agricultural hereditaments.

2.—(1) In this Act the expression "agricultural hereditament" means any hereditament being agricultural land or agricultural buildings.

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(2) In this Act the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"Agricultural land" means any hereditament or portion thereof which—

(*a*) is situate outside the boundary of any urban district, and entered as land in the valuation lists, and is not part of an industrial hereditament or a freight-transport hereditament, nor land used mainly or exclusively for purposes of sport or recreation; or

(*b*) is situate within the boundary of an urban district, and used as farm land, market gardens, nursery grounds, orchards or allotments, or as a plantation or a wood, or for the growth of saleable underwood, and is not land which is part of an ornamental park, garden or pleasure ground, nor land used mainly or exclusively for purposes of sport or recreation:

"Agricultural buildings" means buildings (other than dwelling-houses) occupied together with agricultural land and used solely in connection with agricultural operations thereon, and being buildings distinguished under this Act as agricultural hereditaments.

Entries in valuation lists as to agricultural hereditaments.

3. For the purpose of determining what hereditaments are to be distinguished from other hereditaments in the valuation lists as being agricultural hereditaments, the following provisions shall have effect:—

(*a*) Where agricultural land and buildings, not being buildings which are an industrial hereditament, are occupied together and the valuation of the buildings (including any dwelling-house), as shown in the valuation lists in force for rating purposes on the first day of April, nineteen hundred and twenty-nine, is, so far as the Commissioner of Valuation can ascertain, equal to or greater than the valuation of the agricultural land with which the buildings are occupied, no part of such buildings shall be distinguished in

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the valuation lists which will come into force on the first day of October, nineteen hundred and twenty-nine, as agricultural hereditaments;

(*b*) The valuation of agricultural buildings included in any agricultural hereditament, as shown in the valuation lists which will come into force on the said first day of October, shall be entered at one-third of the total valuation assigned to the dwelling house (if any) and agricultural buildings, in the valuation lists in force for rating purposes on the said first day of April, but so that the amount to be entered as aforesaid shall, if the said one-third is not five shillings or a multiple of five shillings, be the multiple of five shillings which is next above the said one-third;

(*c*) Where any hereditament which includes buildings to which paragraph (*a*) or (*b*) of this section relates becomes the subject of revision in connection with any valuation lists coming into force in any year subsequent to the year nineteen hundred and twenty-nine, by being included in the list which is prepared in accordance with section four of the Valuation (Ireland) Act, 1854, the Commissioner of Valuation shall show the revised valuation, ascertained in accordance with the provisions of the Irish Valuation Acts, of the agricultural buildings and other buildings separately in the valuation lists, and in such case paragraph (*a*) or (*b*) of this section shall no longer apply.

17 & 18 Vict., c. 8.

Provisions as to Industrial Hereditaments.

Definition of industrial hereditaments.

4.—(1) In this Act the expression "industrial hereditament" means a hereditament (not being an agricultural hereditament, and exclusive of such part of the hereditament as may be distinguished as an agricultural hereditament, and exclusive of any dwelling house occupied together with an agricultural hereditament) occupied and used as a mine, quarry or mineral railway, or, subject as hereinafter provided, as a factory or workshop:

Provided that the expression "industrial hereditament" does not include a hereditament occupied and used

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as a factory or workshop if it is primarily occupied and used for any of the following purposes or for any combination of such purposes, that is to say—

(*a*) the purposes of a dwelling-house;
(*b*) the purposes of a retail shop;
(*c*) the purposes of distributive wholesale business;
(*d*) purposes of storage;
(*e*) the purposes of a public supply undertaking;
(*f*) any other purposes, whether or not similar to any of the foregoing which are not those of a factory or workshop.

(2) For the purposes of this Act any place used by the occupier for the housing or maintenance of his road vehicles or as stables shall, notwithstanding that it is situate within the close, curtilage or precincts forming a factory or workshop and used in connection therewith, be deemed not to form part of the factory or workshop, but save as aforesaid, the expressions "factory" and "workshop" have respectively the same meanings as in the Factory and Workshop Acts, 1901 to 1920.

(3) Where two or more properties within the same curtilage, or contiguous to one another, are in the same occupation, and, though treated for any reason as two or more hereditaments for the purposes of rating and valuation, are used as parts of a single mine, quarry, mineral railway, factory, or workshop, then, for the purposes of determining whether the several hereditaments are industrial hereditaments they shall be treated as if they formed parts of a single hereditament comprising all such hereditaments.

(4) In this Act the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"Mine" has the meaning assigned to it by section one hundred and twenty-two of the Coal Mines Act, 1911, or section forty-one of the Metalliferous Mines Regulation Act, 1872, as amended by subsection (2) of section nineteen of the Mining Industry Act, 1920, as the case may require, but also includes any premises, place, or works, whether below ground or above ground, primarily occupied and used for the purpose of draining or otherwise protecting from damage

1 & 2 Geo. 5, c. 50.
35 & 36 Vict., c. 77.
10 & 11 Geo. 5. c. 50.

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any mine or group of mines or occupied and used for pumping or raising brine for the purpose of manufacture or sale from shafts, wells, springs, or mines:

"Mineral railway" means a railway, tramway, or ropeway used primarily for the transport of minerals gotten from a mine or quarry, or from two or more mines or quarries, to a freight-transport hereditament, or between any two such hereditaments, or to any dock not being a freight-transport hereditament, and in the latter case includes also such dock:

"Quarry" has the meaning assigned to it by section twenty-nine of the Quarries Act (Northern Ireland), 1927: 17&18 Geo. 5, c. 19.

"Public supply undertaking" means any undertaking primarily carried on for the supply of gas, water, electricity or hydraulic power for public purposes, or to members of the public, or to any one or more undertakings carried on under any special Act or Order having the force of an Act:

"Retail shop" includes any premises of a similar character where retail trade or business (including repair work) is carried on.

Entries in valuation lists as to industrial hereditaments.

5.—(1) In the valuation lists every industrial hereditament occupied and used wholly for industrial purposes shall be shown as being so occupied and used, and as respects every such hereditament occupied and used partly for industrial purposes, the net annual value thereof shall be apportioned by the Commissioner of Valuation between the occupation and user of the hereditament for industrial purposes, and the occupation and user thereof for other purposes.

(2) For the purpose of determining in what proportions an industrial hereditament is occupied and used for industrial purposes and for other purposes respectively, the following provisions shall have effect:—

(*a*) The hereditament shall be deemed to be occupied and used for industrial purposes except in so far as any part thereof is, under this Act or under the enactments relating to the regulation of mines, quarries, factories and

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workshops, to be deemed neither to be, nor to form part of, a mine, quarry, factory or workshop;

(*b*) Where the net annual value of the hereditament does not exceed thirty pounds or where the part of the net annual value of the hereditament attributable to purposes other than industrial purposes does not exceed ten per cent. of the part thereof attributable to industrial purposes, the hereditament shall be treated as if it were occupied and used wholly for industrial purposes; and where the part of the net annual value attributable to such other purposes exceeds ten per cent. of the part thereof attributable to industrial purposes, the part attributable to such other purposes shall not be treated as being attributable to those other purposes except in so far as it exceeds ten per cent. of the part attributable to industrial purposes;

(*c*) Where two or more hereditaments in the same occupation are, by virtue of the provisions of sub-section (3) of the last foregoing section, treated as if they formed parts of a single hereditament, each of the several hereditaments shall be deemed to be occupied and used for industrial purposes and for other purposes respectively in the proportion in which, if all the hereditaments formed a single hereditament, that single hereditament would be deemed to be so occupied and used.

Provisions as to Freight-transport Hereditaments.

Definition of freight-transport hereditaments.

6.—(1) In this Act the expression "Freight-transport hereditament" means all or any of the following hereditaments:—

(*a*) A hereditament occupied and used wholly or partly for railway transport purposes as part of a railway undertaking carried on by a railway company, or of a light railway undertaking carried on, in pursuance of an Order under the Tramways (Ireland) Acts, 1860 to 1900, by a light railway company, being in

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either case an undertaking whereof the railway is used as a public railway for the conveyance of merchandise otherwise than by passenger train or carriage, and which comprises at least two stations situate in Northern Ireland, and used for railway transport purposes;

(*b*) A hereditament occupied and used wholly or partly for canal transport purposes as part of a canal undertaking, being an undertaking whereof a substantial proportion of the volume of business is concerned with the conveyance of merchandise not belonging to or intended for the use of the undertakers;

(*c*) A hereditament, having a net annual value exceeding twenty pounds, occupied and used wholly or partly for dock purposes as part of a dock undertaking, being an undertaking whereof a substantial proportion of the volume of business is concerned with the shipping and unshipping of merchandise not belonging to or intended for the use of the undertakers:

Provided that a hereditament primarily occupied and used as offices for, or for purposes ancillary to, the general direction and management of a railway, canal or dock undertaking, shall not be deemed a freight-transport hereditament.

(2) In this Act the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"Transport purposes" means all or any of the following purposes:—

(*a*) "railway transport purposes," that is to say, all purposes connected with the conveyance or transport by railway of passengers and their luggage, or of carriages, parcels or merchandise, including the construction, maintenance and repair of all ways, works, machinery and plant used in connection with the undertaking:

(*b*) "canal transport purposes," that is to say, all purposes connected with the conveyance or transport by canal of carriages, parcels or merchandise, including the con-

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struction, maintenance and repair of all ways, works, machinery and plant used in connection with the undertaking:

(*c*) "dock purposes," that is to say, all purposes connected with the shipping or unshipping at a dock of passengers and their luggage, or of carriages, parcels or merchandise, or the conveyance or transport thereof by a railway forming part of a dock undertaking, including the construction, maintenance and repair of all ways, works, machinery and plant used in connection with the undertaking, or connected with the provision of accommodation for vessels and their stores, equipment and tackle (including fishing tackle), whether for purposes of repair or otherwise.

(3) In this Act the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"Canal undertaking" includes any inland navigation undertaking comprising as part thereof an inland navigation used for the conveyance of merchandise, and "canal" in relation to such an undertaking shall be construed as including an inland navigation:

"Dock" includes any harbour, wharf, pier, jetty or other works in or at which vessels can ship or un-ship merchandise or passengers, not being a pier or jetty primarily used for recreation:

"Dock undertaking" means an undertaking carried on by a dock authority, but also includes any other undertaking (not carried on by a county council or urban district council) comprising as part thereof a dock in so far only as its business is carried on at and in connection with that dock:

"Dock authority" means any person or body of persons (not being a county council or urban district council) whether incorporated or not, who are authorised to construct or are owners or lessees of any dock authorised by or under any Act:

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"Light railway" includes a tramway authorised by any special Act, or by an Order under the Tramways (Ireland) Acts, 1860 to 1900, but does not include any light railway laid wholly or mainly along a public carriageway and used wholly or mainly for the carriage of passengers:

"Light railway company" includes any person or body of persons, whether incorporated or not, who are authorised to construct or are owners or lessees of any light railway authorised by or under any Act or who are working a light railway under any working agreement:

"Merchandise" includes goods, minerals, live stock, and animals of all descriptions:

"Railway company" includes a committee of a railway company:

"Vessel" has the same meaning as that assigned to it by section seven hundred and forty-two of the Merchant Shipping Act, 1894. 57 & 58 Vict. c. 60.

Entries in valuation lists as to freight-transport hereditaments.

7.—(1) In the valuation lists every freight-transport hereditament which is occupied and used wholly for transport purposes shall be shown as being so occupied and used, and as respects every such hereditament occupied and used partly for transport purposes the net annual value thereof shall be apportioned by the Commissioner of Valuation between the occupation and user of the hereditament for transport purposes and the occupation and user thereof for other purposes.

(2) Where a freight-transport hereditament is not occupied and used for more than one transport purpose the nature of that purpose shall be shown, and where a freight-transport hereditament is occupied and used partly for one transport purpose and partly for either or both of the other transport purposes, the proportions of the net annual value of the hereditament attributable to the occupation and user thereof for the several transport purposes shall be distinguished.

(3) For the purpose of determining in what proportions a freight-transport hereditament is occupied and used for transport purposes and for other purposes, respectively, the hereditament shall be deemed to be occupied and used for transport purposes, except in so

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far as it is occupied and used for the purposes of a dwelling-house, hotel, or place of public refreshment:

Provided that—

(*a*) no part of a freight-transport hereditament which is so let out as to be capable of being separately valued shall be deemed to be occupied and used for transport purposes unless it is actually so occupied and used; and

(*b*) in the case of a hereditament occupied and used for canal transport purposes as part of a canal undertaking or occupied and used for dock purposes as part of a dock undertaking, no part of the hereditament, being a building, yard, or other place primarily occupied and used for warehousing merchandise not in the course of being transported, shall be deemed to be occupied and used for transport purposes.

Miscellaneous.

Interpretation.

8.—(1) In this Act the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"Valuation lists" means, unless the context otherwise requires, the revised valuation lists which the Commissioner of Valuation is required by the Irish Valuation Acts or by this Act to transmit to the secretary of each county council and the clerk of each urban district council, to be in force for rating purposes on the first day of October, nineteen hundred and twenty-nine or on the first day of April in any subsequent year, as the case may require:

15 & 16 Vict., c. 63.

"Hereditament" means a rateable hereditament as defined in section twelve of the Valuation (Ireland) Act, 1852, and includes any tenement requiring to be valued under the Irish Valuation Acts, but does not include any hereditament or tenement, or portion thereof, distinguished in the valuation lists by the Commissioner of Valuation in pursuance of section two of the Valuation (Ireland) Act, 1854:

"Urban district" and "urban district council" include, respectively, a county borough or other borough and the council of any such

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borough, and "clerk" includes the town clerk of a borough:

"Commissioner of Valuation" means the officer to whom the Minister of Finance has, for the time being, in pursuance of sub-section (3) of section one of the Ministries of Northern Ireland Act, 1921 [N.I.], assigned, for exercise and performance, the powers and duties transferred to the Ministry of Finance from the Commissioner of Valuation and Boundary Surveyor for Ireland: 12 Geo. 5. c. 6.

"Prescribed" means prescribed by the Ministry of Finance.

(2) References in this Act to enactments of the Parliament of the United Kingdom shall be construed as references to those enactments as they apply in Northern Ireland.

9. This Act may be cited as the Rating and Valuation (Apportionment) Act (Northern Ireland), 1928, and shall be construed as one with the Irish Valuation Acts. Short title and construction

SCHEDULE.

Section 1.

PROVISIONS FOR BRINGING INTO CONFORMITY WITH THIS ACT VALUATION LISTS WHICH WILL BE IN FORCE ON THE 1ST DAY OF OCTOBER, 1929.

1. As soon as may be after the passing of this Act the secretary of every county council and the clerk of every urban district council shall publish a notice in the prescribed form of the passing of this Act, containing—

(*a*) a direction that the occupier of any hereditament, who claims that his hereditament is an industrial hereditament or a freight-transport hereditament within the meaning of this Act, shall, within thirty days after the publication of the notice send to such secretary or clerk, as the case may require, a claim in the prescribed form containing the prescribed particulars;

(*b*) a statement of the places where forms of claim may be obtained.

2. Within fourteen days after the expiration of the said period of thirty days the secretary of the county council or clerk of the urban district council, as the case may require (in this Schedule referred to as "the secretary or clerk") shall make out a full and complete list

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on the prescribed form of every hereditament in respect of which a claim has been made within the said period, and shall forward the list, together with the claims, to the Commissioner of Valuation.

3. On receipt of the said list and claims the Commissioner of Valuation shall proceed in accordance with the provisions of this Act to distinguish, and apportion the valuations of, industrial hereditaments and freight-transport hereditaments in respect of which claims have been made. The Commissioner shall revise the valuation lists in force for rating purposes on the first day of April, nineteen hundred and twenty-nine, by the insertion of the apportioned valuations aforesaid, and otherwise by the distinguishing of hereditaments and apportionment of valuations for the purposes of this Act, and shall issue such revised valuation lists to the secretary or clerk on or before the first day of September, nineteen hundred and twenty-nine, and the secretary or clerk shall publish the same in like manner as the lists to which section eighteen of the Valuation (Ireland) Act, 1852, applies.

4. The said revised valuation lists shall come into force for rating purposes on the first day of October, nineteen hundred and twenty-nine, and shall be in force for those purposes, subject to the provisions of Article 5. of this Schedule, until the thirty-first day of March, nineteen hundred and thirty.

5. Within twenty-eight days from and after the first day of September, nineteen hundred and twenty-nine, any person aggrieved by reason of the distinguishing of any hereditament, or any apportionment of valuation, by the Commissioner of Valuation for the purposes of this Act, as shown in the said revised valuation lists, or by reason of his omission so to distinguish any hereditament or apportion any valuation in those lists, shall be entitled to appeal to the Commissioner of Valuation against such distinguishing, apportionment or omission, upon giving notice of appeal in the like manner as is provided for in the case of an appeal under section nineteen of the Valuation (Ireland) Act, 1852; and the council of any county or urban district shall have the like right to appeal to the said Commissioner (with the sanction of the Ministry of Home Affairs) from any such distinguishing, apportionment, or omission, as they have to appeal in cases to which the Valuation (Ireland) Act, 1864 applies.

27 & 28 Vict., c. 52.

The provisions of the Irish Valuation Acts with respect to appeals to the Commissioner of Valuation, and from the said Commissioner to a court of quarter sessions, shall apply so as to enable the matter set forth in the notice of appeal given by such person or council as aforesaid to be decided by the said Commissioner or, on appeal from him, by the said court. An appeal shall lie, by way of case stated upon any question of law, from the decision of the court of quarter sessions to such court or division of the Supreme Court as may be prescribed by rules of court made under section sixty-one of the Supreme Court of Judicature Act (Ireland), 1877, and the enactments amending the same, and sections ten and eleven of the Annual Revision of Rateable Property (Ireland) Amendment Act, 1860, shall apply accordingly.

40 & 41 Vict., c. 57.
23 & 24 Vict., c. 4

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TABLE II

SHOWING THE EFFECT OF THE YEAR'S LEGISLATION.

PART I.

ACTS OF PARLIAMENT OF THE UNITED KINGDOM (IN CHRONOLOGICAL ORDER) REPEALED, AMENDED OR OTHERWISE AFFECTED BY ACTS OF THE PARLIAMENT OF NORTHERN IRELAND PASSED IN THE SESSION 18 GEO. 5 & 18 & 19 GEO. 5.

Statute and Chapter of Act of Parliament.	Short Title.	How affected.	Chapter, section &c., of 18 Geo. 5 and 18 & 19 Geo. 5.
10 Wm. 3 c. 8 (Irish)	An Act for the Preservation of the Game, and the more easy conviction of such as shall destroy the same.	ss. 5, 6, 7, and 17 app. and ext.	25, ss. 6, 8 and sched.
27 Geo. 3, c. 35 (Irish).	An Act for the Preservation of the Game.	Act app. and am.	25, ss. 6-8 and sched.
31 Geo. 3, c. 46 (Irish).	Publick Observatory and Museum in the City of Armagh.	Act (in part) excl.	8, s. 2.

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Statute and Chapter of Act of Parliament.	Short Title.	How affected.	Chapter, section, &c., of 18 Geo. 5 and 18 & 19 Geo. 5.
55 Geo. 3, c. 100.	Stamp Duties (Ireland) Act, 1815.	s. 19 rep.	29, s. 2 (5).
9 Geo. 4, c. 69.	Night Poaching Act, 1828.	Act app. and am.	25, ss. 6, 8 and sched.
c. 80.	Bankers' Composition (Ireland) Act, 1828.	s. 4 app., s. 7. mod., s. 14 rep.	29, s. 2.
1 & 2 Will. 4, c. 32.	Game Act, 1831.	s. 2. am. Act app. and am.	25, s. 4 (1) and s. 10 (3) 25 ss. 6, 8 and sched.
6 & 7 Will. 4, c. 13.	Constabulary (Ireland) Act, 1836.	Act (as am.) app., s. 15 am. Def. of "resident magistrate" app.	13, s. 20 (1). 25, s. 1. 25, s. 8 (6).
c. 116.	Grand Jury (Ireland) Act, 1836.	s. 80 am.	10, s. 8 (1).
5 & 6 Vic., c. 81.	Game Certificates (Ireland) Act, 1842.	s. 5 am. Act app. and am.	25, s. 4 (2). 25, ss. 6, 8 and sched.
8 & 9 Vic., c. 18.	Land Clauses (Consolidation) Act, 1845.	Act app. s. 72 am.	10, sched. art. 19. 10, sched. art. 23.
10 & 11 Vic., c. 34.	Towns Improvement Clauses Act, 1847.	s. 74 saved ss. 69, 70 ext. and app.	10, s. 10. 10, s. 12 (1).
11 & 12 Vic., c. 92.	Fisheries (Ireland) Act, 1848.	s. 21 am. sched. am.	13, s. 12. 13, s. 11 (1).

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Statute and Chapter of Act of Parliament.	Short Title.	How affected.	Chapter, section, &c., of 18 Geo. 5 and 18 & 19 Geo. 5.
13 & 14 Vic., c. 88.	Fisheries (Ireland), Act, 1850.	s. 6 am. s. 10 rep. s. 13 am.	13, s. 15 (1). 13, s. 3 (3). 13, s. 1 (2).
14 & 15 Vic., c. 85.	Constabulary (Ireland) Act, 1851.	s. 6 am.	4, s. 6 (4).
c. 92.	Summary Jurisdiction (Ireland) Act, 1851.	s. 9 app.	10, s. 12 (2).
c. 93.	Petty Sessions (Ireland) Act, 1851.	s. 22 app. s. 42 excl.	10, s. 3. (2) (*b*) 25, s. 8 (2).
15 & 16 Vic., c. 63.	Valuation (Ireland) Act, 1852.	s. 11 applied. s. 12 app. with mod. ss. 18, 19 app.	9, s. 2. (1) (*b*) 30, s. 8 (1). 30, sched., arts., 3, 5.
16 & 17 Vic., c. 63.	Bankers' Composition (Scot.) Act, 1853.	s. 7 rep. as respects N. I.	29, s. 3. (2)
17 & 18 Vic., c. 8.	Valuation (Ireland) Act, 1854.	s. 2 excl. s. 4 app. with mod.	30, s. 8 (1). 30, s. 3.
c. 103.	Towns Improvement (Ireland) Act, 1854.	Act app.	10, s. 12 (1).
23 & 24 Vic., c. 4.	Annual Revision of Rateable Property (Ireland) Amendment Act, 1860	ss. 10-11 app.	30, Sched. art. 5.

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Statute and Chapter of Act of Parliament.	Short Title.	How affected.	Chapter, section &c., of 18 Geo. 5 and 18 & 19 Geo. 5.
23 & 24 Vic., c. 90.	Game Licences Act, 1860.	Act app. & am.	9. s. 3. 25, ss. 2, 3, 4, 6, 8 and sched.
24 & 25 Vic., c. 91.	Revenue (No. 2) Act, 1861.	s. 17 ext.	25, s. 4 (1).
25 & 26 Vic., c. 83.	Poor Relief (Ireland) Act, 1862.	s. 2 excl.	18, s. 1 (2).
c. 114.	Poaching Prevention Act, 1862.	Act app. and am.	25, ss. 6, 8 and sched.
26 & 27 Vic., c. 114.	Salmon Fishery (Ireland) Act, 1863.	Act am.	13, s. 11 (1).
27 & 28 Vic., c. 52.	Valuation (Ireland) Act, 1864.	Act. app.	30, sched. art. 5.
c. 67.	Game Trespass Act, 1864.	Act app. & am.	25, ss. 6, 8 and sched.
c. 86.	Bank Post Bills Composition (Ireland) Act, 1864.	s. 1 rep. as respects N. I.	29, s. 3 (2).
31 & 32 Vic., c. 20.	Legitimacy Declaration (Ireland) Act, 1868.	Act app. and am.	5, s. 2. and sched. art. 1 (*c*).
33 & 34 Vic., c. 57.	Gun Licence Act, 1870.	Act app. Act app. and am.	9, s. 3. 25, ss. 6, 8 and sched.
35 & 36 Vic., c. 77.	Metalliferous Mines Regulation Act, 1872.	s. 41 app. and am.	30, s. 4 (4).

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Statute and Chapter of Act of Parliament.	Short Title.	How affected.	Chapter, section, &c., of 18 Geo. 5 and 18 & 19 Geo. 5.
40 & 41 Vic., c. 2.	Treasury Bills Act, 1877.	s. 6 excl.	1, s. 4 (2). 12, s. 2. (2) 28, s. 2 (2).
c. 56.	County officers and Courts (Ireland) Act, 1877.	s. 74 applied.	13, s. 17 (5).
c. 57.	Supreme Court of Judicature (Ireland) Act, 1877.	s. 61 app.	30, sched. art. 5.
41 & 42 Vic., c. 52.	Public Health (Ireland) Act, 1878.	s. 268 app. ss. 219-223 app. s. 210 am.	10, s. 6. (3) 10, s. 15. 10, s. 17 (2).
42 & 43 Vic., c. 23.	Hares Preservation (Ireland) Act, 1879.	Act app. & am.	25, ss. 6, 8 and sched.
43 & 44 Vic., c. 13.	Births and Deaths Registration (Ireland) Act, 1880.	s. 7 app.	5, s. 1 and sched. art. 1
c. 20.	Inland Revenue Act, 1880.	s. 43 (7) mod.	9, s. 2 (1) (*a*). 9, s. 2 (1) (*d*).
c. 47.	Ground Game Act, 1880.	Act app. and am.	25, ss. 6, 8 and sched.
44 & 45 Vic., c. 12.	Customs and Inland Revenue Act, 1881.	s. 33 am.	14, s. 4.
c. 65.	Leases for Schools (Ireland) Act, 1881.	Act am. and in particular ss. 5, 6, 7 app.	8, s. 1.

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Statute and Chapter of Act of Parliament.	Short Title.	How affected.	Chapter, section &c., of 18 Geo. 5 and 18 & 19 Geo. 5.
48 & 49 Vic., c. 78.	Educational Endowments (Ireland), Act 1885.	s. 17 am.	14, s. 3.
51 & 52 Vic., c. 53.	Borough Funds (Ireland) Act, 1888.	s. 7: new provision substit.; scheds.: new sched. substit.	22, s. 1 (1) (2).
52 & 53 Vic., c. 21.	Weights & Measures Act, 1889.	s. 19 am.	4, ss. 4, 8, 2nd sched.
53 & 54 Vic., c. 59.	Public Health Acts Amendment Act, 1890.	Part II virt. rep.	10, s. 9 (4).
c. 70.	Housing of the Working Classes Act, 1890.	2nd Sched. (except arts. (14) to (17) inclusive) app. with mod.	10, Sched. arts. 10, 20.
54 & 55 Vic., c. 38.	Stamp Duties Management Act, 1891.	Act app. with mod.	3, s. 16.
c. 39.	Stamp Act, 1891.	s. 9 app. with mod.	3, s. 16.
		1st sched.: (Conveyance or Transfer on Sale) am.	9, s. 4 (1) (B)
		s. 12 app.	
c. 66.	Local Registration of Title (Ireland) Act, 1891.	app. (vesting order)	10, sched. art. 6.
56 & 57 Vic., c. 7.	Customs and Inland Revenue Act, 1893.	s. 2 am.	25, s. 4 (1).
57 & 58 Vic., c. 30.	Finance Act, 1894.	s. 16 am.	14, s. 4.

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Statute and Chapter of Act of Parliament.	Short Title.	How affected.	Chapter, section, &c., of 18 Geo. 5 and 18 & 19 Geo. 5.
57 & 58 Vic., c. 60.	Merchant Shipping Act, 1894.	s. 742 app.	30, s. 6 (3).
58 & 59 Vic., c. 16.	Finance Act, 1895.	s. 12 am.	9, s. 4 (1) (B).
61 & 62 Vic., c. 37.	Local Government (Ireland) Act, 1898.*	Provision as to plural voting am.	24, s. 3 [new s. 4 (6)].
		s. 13 rep.	18, s. 1 (6).
		s. 17 saved.	22, s. 1 (6).
7 Edw. 7, c. 53.	Public Health Acts Amendment Act, 1907.	s. 95 ext.	10, s. 6 (1).
8 Edw. 7, c. 48.	Post Office Act, 1908.	s. 65 app.	3, s. 16.
c. 69.	Companies (Consolidation) Act, 1908.	s. 274 applied.	24, s. 3 [new s. 4 (8) (*c*)].
		Am. in the case of an instrument made for the purposes of or in connection with a transfer to a company.	9, s. 4 (1) (B) proviso (*b*).
9 Edw. 7, c. 47.	Development and Road Improvement Funds Act, 1909.	s. 8 ext.	10, s. 2 (8).
		s. 8 (5) ext.	10, s. 8 (3).
10 Edw. 7, c. 8.	Finance (1909-10) Act, 1910.	1st Sched. app.	9, s. 1 (2).
1 & 2 Geo. 5, c. 50.	Coal Mines Act, 1911.	s. 122 (as am.) app. and ext.	30, s. 4 (4).
5 & 6 Geo., 5 c. 62.	Finance Act, 1915.	s. 3 app.	9, s. 1 (2).
6 & 7 Geo. 5, c. 11.	Finance (New Duties) Act, 1916.	s. 1 am. and sub-sec. (5) further am.	29, ss. 4, 6.

*Art. 32 (1) (3) of the Schod. to the Local Government (Application of Enactments) Order, 1928, made under this Act, is applied by s. 17 (1) of 18 & 19 Geo. 5, c. 10 (N.I.) for the purposes of the last-mentioned Act.

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Statute and Chapter of Act of Parliament.	Short Title.	How affected.	Chapter, section &c., of 18 Geo. 5 and 18 & 19 Geo. 5.
7 & 8 Geo. 5, c. 64.*	Representation of the People Act, 1918.	s. 4 (1) (2) rep.	
		ss. 1, 2 : new secs. substit.	24, s. 1.
		s. 4 (3) rep.	24, s. 2 (1).
		s. 3 new sec. subst.	
		New sec. 4 inserted	24, s. 3.
		s. 5 (3) : For the words "the age required under this Act in the case of that person" substitute the words "full age".	
		s. 7 (1) (*b*) : For the words "parliamentary franchise of women" substitute the words "local government franchise (other than the company franfranchise)."	24, s. 5 and sched.
		s. 7 (3) : for the word "man" substitute the word "person" ; for the word "he" where it first and secondly occurs substitute the words "that person," and for the words "the time when he so commenced to reside" substitute the words "the commencement of the residence."	
		s. 8 (1) new sub-sec. substit.	24, s. 4 (1).
		s. 9 : new sub-sec. (3A) inserted.	24, s. 4 (2).
		s. 13 am.	24, s. 6 (2).
		s. 22 (2) : the words "(except as provided in that schedule)" rep.	24, s. 5 and sched.

*The repeals, amendments, &c., noted in col. 3 affect this Act only in its application to the Parliamentary and Local Government franchises of Northern Ireland.

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Statute and Chapter of Act of Parliament.	Short Title.	How affected.	Chapter, section, &c., of 18 Geo. 5 and 18 & 19 Geo. 5.
7 & 8 Geo. 5, c. 64. (*contd*).	Representation of the People Act, 1918.	Sched. 2: In Part II for the words "a man" where these words occur in No. 1 and No. 2 substitute the words "a person"; No. 3, including the Note thereto, rep.; under the heading "Declarations at University Election" the words "(*In the case of a man*)" and the words "(*In the case of a woman*) —'I have not voted at this general election for any other university constituency'" rep	24, s. 5 and sched.
		Sched. 5: In the Form of a Voting Paper in Part I the words "(*In the case of a man*)" and the words "(*In the case of a woman*) that I have not voted at this general election for any other university constituency" rep.	
9 & 10 Geo. 5, c. 50.	Ministry of Transport Act, 1919.	s. 17 (2) app.	10, ss 4 (1) proviso and 5 (1) proviso.
c. 57.	Acquisition of Land (Assessment of Compensation) Act, 1919.	ss. 5, 6 app. s. 6 excl. Act am. and in partic. ss. 1, 3 and 4.	10, s. 4 (5) 10, sched. art. 20. 14, s. 1.

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Statute and Chapter of Act of Parliament.	Short Title.	How affected.	Chapter, section &c., of 18 Geo. 5 and 18 & 19 Geo. 5.
10 & 11 Geo. 5, c. 30.	Unemployment Insurance Act, 1920.	s. 3 am.	3, s. 12.
		s. 4 (1) am.	3, s. 19 & 4th Sched.
		ss. 4 (2), 8 (4), 18 (1) (2) (4) (11), 33 and (virt.) 11 (4) rep.	3, s. 20 (3) & 5th Sched.
		s. 5 (7) am.	3, s. 19 & 4th Sched.
		s. 7 (1) (*v*) app.	3, s. 8 (5).
		ss. 7, 8 (1): new provns. substit.	3, ss. 5, 6.
		s. 7 (3) (4) (5) am.	3, s. 18 (2).
		s. 11 : new sub-secs. (2A) (2B) inserted, (4) virt. rep., (5) new sub-sec. substit., (8) am.	3, s. 13.
		s. 12 saved	3, s. 8 (4).
		ss. 15, 16 saved.	3, s. 2 (3).
		s. 17 am.	3, s. 9 (1) (2).
		s. 18 (power to make schemes) virt. rep.	3, s. 10.
		s. 22 (3) (4): new provns. substit.	3, s. 14.
		ss. 23 (2), 24 (1), 26 (1), (5), 30 am.	3, s. 19 & 4th Sched.
		s. 47 am.	3, s. 15.
		1st Sched. par (*d*) new par. substit.	3, s. 19 & 4th Sched.
c. 50.	Mining Industry Act, 1920.	s. 19 (2) app. and ext.	30, s. 4 (4).
c. 67.	Government of Ireland Act, 1920.	s. 63 saved.	3, s. 16.
		s. 63 saved.	14, s. 2 (5) and s. 4.
		s. 63 app.	29, s. 7 (2).
		s. 63 app.	9, s. 7 (2).
		s. 64 (3) ext.	21, s. 1.
c. 72.	Roads Act, 1920.	s. 7 (4) and 2nd sched. art. 2 am.	10, s 5 (6).
11 Geo. 5, c. 1.	Unemployment Insurance Act, 1921.	So much of 2nd sched. as amends 1st sched. of 10 and 11 Geo. 5, c. 30 rep.	3, s. 20 (3) and 5th sched.

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Statute and Chapter of Act of Parliament.	Short Title.	How affected.	Chapter, section, &c., of 18 Geo. 5 and 18 & 19 Geo. 5.
11 & 12 Geo. 5, c. 15.	Unemployment Insurance (No. 2) Act, 1921.	s. 11 (in part) and (virt.) s. 12 rep.	3, ss. 9 (3). 20, (3) and 5th Sched.
c. 38.	Salmon & Freshwater Fisheries Act, 1921.	Act am.	13, s. 11 (1)
14 & 15 Geo. 5, c. 38.	National Health Insurance Act, 1924.	Act app.	3, s. 9.
		Act am. and in particular ss. 96 (1) and (2) am.; (3): new sub-sec. substit.; 97 (1) (2): new sub-secs. substit.; 98 (1) am.; 124, (3) am.	11, ss. 1, 2.
		s. 68 (2) am.	11, s. 3.
16 & 17 Geo. 5, c. 53.	Merchandise Marks Act, 1926.	s. 2 app. s. 13 (3) app.	27, s. 2.
18 & 19 Geo. 5, c. 12.	Representation of the People (Equal) Franchise) Act, 1928.	s. 6 and Order in Ccl. made under s. 6 (2) app.	24, s. 6 (3).

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PART 2.

ACTS OF PARLIAMENT OF NORTHERN IRELAND (IN CHRONOLOGICAL ORDER) REPEALED, AMENDED OR OTHERWISE AFFECTED BY ACTS OF THAT PARLIAMENT PASSED IN THE SESSION 18 GEO. 5 AND 18 & 19 GEO. 5.

Statute and Chapter of Act of Parliament.	Short Title.	How affected.	Chapter, section &c., of 18 Geo. 5 and 18 & 19 Geo. 5.
12 Geo. 5, c. 2.	Exchequer & Audit Act, 1921.	Act app.	4, s. 6 (3).
c. 6.	Ministries of Northern Ireland Act, 1921.	Act app. s. 1 (3) app.	4, s. 6 (3). 9, s. 2 (3). 30, s. 8 (1).
12 & 13 Geo. 5, c. 5.	Civil Authorities (Special Powers) Act, 1922.	Act ext. in duration.	15, s. 1.
c. 7.	Unemployment Insurance Act, 1922.	ss. 1 (1) (2); 8; 13; 16 (1) (in part) (2) (3); and (virt.). s. 9 rep. s. 7 saved. s. 14 (1) am. s. 16 (1) app.	3, s. 20 (3) and 5th Sched. 3, s. 8 (4). 3, s. 19 and 4th Sched. 3, s. 18 (2).
c. 8.	Constabulary Act, 1922.	Provisions as to free quota and additional force virt. rep. 1st Sched.: New Sched. substit. ss. 3 (1) (2); 4 (1) proviso, (3), (4) (5) (c), 9 (defn. of "additional force") rep. s. 6 app.	4, s. 2. 4, s. 1. 4, s. 8, 2nd Sched. 13, s. 20 (1). 25, s. 8 (6).

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Statute and Chapter of Act of Parliament.	Short Title.	How affected.	Chapter, section &c. of 18 Geo. 5 and 18 & 19 Geo. 5.
12 & 13 Geo. 5, c. 9.	Referees and Arbitrators (Procedure) Act, 1922.	Act app.	14, s. 1 (3)
c. 13.	Church Temporalities Fund Act (N.I.) 1922.	s. 2 (1) ext.	21, s. 1.
c. 24.	Loans Guarantee Act, 1922.	s. 1 am.	2, s. 1. 20, s. 1.
13 & 14 Geo. 5, c. 11.	Unemployment Insurance Act, 1923.	ss. 4 (1); 6 (1); 11 rep.	3, s. 20 (3) and 5th Sched.
c. 12.	Intoxicating Liquor Act, 1923.	s. 6 app.	9, s. 2.
c. 13.	Local Government (Franchise) Act, 1923.	rep.	24, s. 2 (2).
c. 21.	Education Act, 1923.	ss. 2, 23 ext. Act app.	7, s. 1 8, s. 3 (2).
c. 30.	Housing Act, 1923.	s. 1 (9) app.	23, s. 1 (2).
c. 31.	Local Government Act, 1923.	s. 6 app.	10, s. 17 (1).
14 & 15 Geo. 5, c. 13.	Exchequer & Financial Provisions Act, 1924.	s. 1 (1) (*c*) am.	c. 21 s. 2.

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Statute and Chapter of Act of Parliament.	Short Title.	How affected.	Chapter, section &c., of 18 Geo. 5 and 18 & 19 Geo. 5.
14 & 15 Geo. 5, c. 15.	Marketing of Eggs Act, 1924.	s. 2 (1) am. and new provn. substit. and app.	27 ss. 1 (1) & 2 (*a*).
		s. 3 ext.	27, s. 1 (2).
		s. 3 (1) (*d*) in part rep.	27, s. 3 (3).
		s. 6 (1) (*c*) and (2) am.	27, s. 1 (3).
c. 17.	Constabulary (Acquisition of Land) Act, 1924.	s. 1 (1) proviso am.; s. 2 rep.	4, ss. 7, 8, 2nd Sched.
c. 25.	Unemployment Insurance (No. 2) Act, 1924.	s. 1 saved in respect of transitional provisions.	3, s. 18 (1).
		ss. 1 (in part) 2; 3; 7 (1); 8 (1); 16 (4) (5); 1st Sched. Part I, 3 (*b*); 2nd Sched. (in part) rep.	3, s. 20 (3) and 5th Sched.
		1st Sched. Part I, par. 4.	3, s. 19 & 4th Sched.
15 & 16 Geo. 5, c. 12.	Rent and Mortgage Interest (Restrictions) Act, 1925.	s. 1 (1) (*c*) am. (prolongation of period)	19, s. 1.
c. 13.	Housing Act, 1925.	s. 3 app.	23, s. 1 (2).
c. 17.	Government Loans and Exchequer Provisions Act, 1925.	s. 13 (1) am.	21, s. 2.
c. 22.	Unemployment Insurance Act, 1925.	s. 1 rep.	3, 20 (3) and 5th Sched.
		s. 3 (1) (*d*): after the words "or a woman" insert "or a young man or a young woman."	3, s. 2 (1) (*c*).

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Statute and Chapter of Act of Parliament.	Short Title.	How affected.	Chapter, section &c., of 18 Geo. 5 and 18 & 19 Geo. 5.
15 & 16 Geo. 5, c. 23.	Widows' Orphans' and Old Age Contributory Pensions Act, 1925.	Act ext.	5, s. 6 (2).
c. iii*.	Belfast Corporation Act, 1925.	s. 9 app.	4, ss. 2 (2) (3)
16 & 17 Geo. 5, c. 11.	Economy (Exchequer Relief) Act 1926.	s. 8 (1) and 2nd Sched. am.	3, ss. 2 (1) (*b*) and 17.
	National Health Insurance Act, 1926 [Part I of the Economy (Exchequer Relief) Act, 1926.]	s. 2 (1) am. s. 4, new sec. subst.	11, s. 3.
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c. 31.	Motor Vehicles (Traffic and Regulation) Act, 1926.	s. 20 app. s. 7 (2) ext.	10, s. 5 (5). 10, s. 8 (2) (3).

*Local Act.

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Statute and Chapter of Act of Parliament.	Short Title.	How affected.	Chapter, section &c., of 18 Geo. 5 and 18 & 19 Geo. 5.
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c. 15.	Housing Act, 1927.	s. 1 (1) am.	23, s. 1 (1).
c. 19.	Quarries Act, 1927.	s. 29 app.	30, s. 4 (4).
c. 21.	Intoxicating Liquor and Licensing Act, 1927.	s. 1 app. s. 5 (1) app.	9, s. 2. 9, s. 1 (1).
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18 & 19 Geo. 5. 12	Representation of the People (Equal Franchise) Act, 1928 [*see s. 8 (4)*].
13	Currency and Bank Notes Act, 1928.
14	National Health Insurance Act, 1928 (*see s. 24*).
15	Bankers (Northern Ireland) Act, 1928.
17	Finance Act, 1928 [*see s. 35 (5)*].
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31	Food and Drugs (Adulteration) Act, 1928 [*see s. 36*].
35	Easter Act, 1928 [*prospective—see s. 2 (2)*].
45	Companies' Act, 1928 [*see ss. 1 (1), 117*].
19 Geo. 5. 3	Expiring Laws Continuance Act, 1928 [*see s. 2 (2)*.]

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i. An Act to empower the Lord Mayor and Citizens of the City of Belfast to alienate lands for Hospital purposes; and for other purposes. (*Belfast Corporation.*)

ii. An Act to authorise the payment of Retiring Allowances Annuities and Costs out of the Funds of the Hampton House Industrial School for Girls and to enable such Funds to be administered cy-prés and for other purposes. (*Hampton House School.*)

iii. An Act to empower the London Midland and Scottish Railway Company to construct a Railway and other works and to acquire Lands; and for other purposes. (*London Midland and Scottish Railway.*)

iv. An Act to enable the Urban District Council of Dromore, County Down, to extend their borrowing powers to a Sum not exceeding £15,000 over and above and in addition to the borrowing powers conferred upon Urban District Councils by Section 238 (2) of the Public Health (Ireland) Act, 1878. (*Dromore Urban District Council.*)

v. An Act to give statutory effect to the Constitution of the Religious Body known as the Methodist Church in Ireland and to provide for the alteration and amendment of same, to confer additional powers upon the Annual Conference of said Church, to confer additional powers upon the Statutory Trustees incorporated by the Methodist Church in Ireland Act, 1915, to enable trusts to be declared in favour of such Church, to provide for Conduct of Proceedings of Conference and other purposes in relation thereto. (*Methodist Church in Ireland.*)

vi. An Act to separate and transfer the Theological Endowments of the Methodist College, Belfast; to incorporate the Governing Bodies of the Methodist College, Belfast, and of the Edgehill Theological College, Belfast; to provide for the management and administration of the said respective Colleges, and the Endowments thereof respectively, and for other purposes. (*Methodist College.*)

vii. An Act to confirm a Provisional Order of the Ministry of Home Affairs relating to the Urban District of Dromore. [*Ministry of Home Affairs Provisional Order Confirmation* (*Dromore Waterworks*).]

ROYAL ASSENT, 18TH DECEMBER, 1928.

viii. An Act for incorporating and conferring poewrs on the Antrim Electricity Supply Company and for other purposes. (*Antrim Electricity Supply.*)

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THE
LOCAL ACTS
18 & 19 GEORGE 5.

CHAPTER i.

An Act to empower the Lord Mayor Aldermen and Citizens of the City of Belfast to alienate lands for Hospital purposes; and for other purposes. [4th June, 1928.]

A.D. 1928.

WHEREAS the City of Belfast (in this Act called "the City") is a county borough subject to the Acts relating to Municipal Corporations in Northern Ireland and the Lord Mayor Aldermen and Citizens of the City (in this Act called "the Corporation") acting by the Council are the urban sanitary authority for the district thereof:

And whereas it is expedient that the Corporation should be empowered to alienate certain lands in the City for Hospital purposes:

And whereas it is expedient that the other provisions in this Act contained should be enacted:

And whereas the objects aforesaid cannot be attained without the authority of Parliament:

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds (Ireland) Act 1888 have been observed:

MAY IT THEREFORE PLEASE YOUR MAJESTY That it may BE ENACTED AND BE IT ENACTED by the KING'S MOST EXCELLENT MAJESTY by and with the advice and consent of the Senate and the House of Commons of Northern Ireland in this present Parliament assembled and by the authority of the same as follows (that is to say):—

Short title.

1. This Act may be cited as the Belfast Corporation Act (Northern Ireland), 1928.

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A.D. 1928.

Interpretation.

2. In this Act unless otherwise expressly provided or the context otherwise requires :—

"The City" means the City and County Borough of Belfast as constituted for the time being ;

"The Corporation" means the Lord Mayor Aldermen and Citizens of the City ;

"The City Fund" and "the consolidated rate" respectively mean the City fund and the consolidated rate as established and provided for by Part II of the Act of 1925 ;

Power to dispose of lands for hospital purposes.

3.—(1) It shall be lawful for the Corporation at any time hereafter for the minimum consideration as defined in this section or such greater consideration as the Corporation may determine to lease for any term of years grant in fee farm or sell and convey any part or parts of the lands of the Old Asylum property at Falls Road now remaining vested in the Corporation to any person or persons or corporate body for hospital purposes.

(2) In this section the expression "minimum consideration" means :—

(i) In the case of a lease or fee farm grant a yearly rent of an amount bearing the same proportion to the amount of the annual loan charges payable in respect of moneys raised by the Corporation under the powers of the Belfast District (Lunatic Asylums, etc.) Act, 1892, as the area comprised in such lease or fee farm grant shall bear to the total area of the lands of the Old Asylum property as vested in the Corporation by the said last mentioned Act so long as the said annual loan charges shall continue to be payable and thereafter a yearly rent of one penny.

(ii) In the case of a sale and conveyance a sum equal to the capitalised value at the date of such sale of such rent as would have been reserved had the premises sold been granted in fee farm for the minimum consideration as defined in clause (1) of this sub-section.

(3) Any lease or fee farm grant made in exercise of the powers conferred by this section may contain such covenants terms and conditions as the Corporation may think fit.

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A.D. 1928.

(4) The Corporation may make do and execute any deed, act, or thing proper for effectuating any such lease fee farm grant or sale and conveyance.

Powers of Act cumulative.

4. All the powers and rights given to the Corporation by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers or rights conferred on them or on any committee appointed by them by Act of Parliament Charter law or custom and the Corporation or such committee as the case may be may exercise such other powers and shall be entitled to such other rights as if this Act had not been passed.

Costs of Act.

5. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Corporation out of the City fund and the consolidated rate.

CHAPTER ii.

An Act to authorize the payment of Retiring Allowances Annuities and Costs out of the Funds of the Hampton House Industrial School for Girls and to enable such Funds to be administered cy-près and for other purposes.

[4th June, 1928.]

WHEREAS in the year 1874 a voluntary Society known as the Hampton House Industrial School for Girls was formed and established at Belfast for the purpose of providing maintaining and supporting a school under the Industrial Schools (Ireland) Act, 1868.

And whereas by an Indenture dated the 7th day of March, 1874, and made between Robert William Corry of the one part and James Thomson Bristow and Henry Hugh McNeile of the other part certain premises situate at Balmoral Avenue in Belfast were granted to the said James Thomson Bristow and Henry Hugh McNeile their heirs and assigns subject to the yearly rent thereby reserved.

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And whereas the said premises were acquired for the purposes of the Hampton House Industrial School for Girls, which was then duly certified as an Industrial School in accordance with the provisions of Section 6 of the Industrial Schools (Ireland) Act, 1868, and the affairs of the said Society have been managed and conducted by a Committee elected and appointed by the Subscribers to the said Society.

And whereas by an Indenture dated the 13th day of January, 1880, and made between the said Henry Hugh McNeile of the one part and John Workman and William Quartus Ewart of the other part the said premises were conveyed to the use of the said Henry Hugh McNeile, John Workman and William Quartus Ewart and their heirs in trust to permit the same to be used for the purposes of the said Industrial School and it was by the said Indenture provided (amongst other things) that in case at any time the said Institution should cease to exist as a Society or if in the opinion of the Trustees for the time being and of the Committee of the Society or of the Trustees alone in case there should be no Committee it should be desirable so to do it should be lawful for the Trustees to sell the several lands and premises and apply the proceeds of sale or if the Trustees should not think it right to sell then to appropriate and apply the said lands and premises to such purposes as in the opinion of the Trustees should most nearly resemble the trusts declared by the said Deed.

And whereas by Indenture dated the 17th day of November, 1884, and made between Robert William Corry of the one part and the said Henry Hugh McNeile, John Workman and William Quartus Ewart of the other part certain additional lands were conveyed by the said Robert William Corry to the said Henry Hugh McNeile, John Workman and William Quartus Ewart upon and subject to the Trusts of the said Deed of the 13th day of January, 1880.

And whereas by Indenture dated the 8th day of October, 1914, and made between the said William Quartus Ewart and others the Committee of Hampton House Industrial School of the first part the said John Workman and William Quartus Ewart of the second part and James Rippingham Bristow, Marcus Adolphus

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Mitchell, William Durham McBride, Alfred Cecil Pim and Jonathan Joshua Pim of the third part the said James Rippingham Bristow, Marcus Adolphus Mitchell, William Durham McBride, Alfred Cecil Pim and Jonathan Joshua Pim were appointed Trustees of the said Indenture of the 13th day of January, 1880, in the places of the said Henry Hugh McNeile (deceased) John Workman and William Quartus Ewart and as additional Trustees and the lands and premises subject to the trusts of the said Indenture were duly vested in them. A.D. 1928.

And whereas in the year 1924 the Committee of the said school decided that in view of the circumstances that had arisen resulting in a greatly diminished number of girls to be provided for in the said Industrial School, it had become economically impossible to carry on the said school in pursuance of the trusts in that behalf and accordingly gave to the Ministry of Home Affairs the requisite notice of their intention to discontinue the work of the school.

And whereas by resolution of the Committee passed at a meeting duly convened and held on the 25th day of June, 1924, it was declared that it was the opinion of the Committee that the Trustees should forthwith sell the lands and premises held by them on the trusts declared by the Indenture dated the 13th day of January, 1880, and apply the proceeds of the sale as provided by the said Indenture, or, if the Trustees should think fit, appropriate the said lands and premises to such objects and ends as should, in the opinion of the Trustees, most nearly resemble the objects of the trusts of the said Indenture.

And whereas in accordance with the resolution aforesaid the Trustees with the consent of the Ministry of Finance in exercise of the office of Commissioners for Charitable Donations and Bequests sold the entire lands and premises vested in them and lodged with the said Ministry the net proceeds of the sale together with interest accrued thereon and other moneys in their hands as such Trustees as aforesaid.

And whereas the said moneys are now represented by the moneys and securities specified in the First Schedule to this Act.

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And whereas at the date of the said sale certain persons had for many years been employed by the said Society for the purposes of the said Industrial School.

And whereas after the said sale and the termination of such employment the Trustees made payments to former employees of the Society by way of pension, retiring allowance or interest on retiring allowance without further authority than is given to them by the said Indenture of the 13th day of January, 1880, and doubts have arisen whether such payments were lawfully made.

And whereas proceedings were lately taken by the Trustees in the Chancery Division of the High Court of Justice in Northern Ireland for the purposes of administering the said moneys to which proceedings His Majesty's Attorney-General for Northern Ireland and the Ministry of Finance were parties and such proceedings proved abortive.

And whereas it is desirable that payments by way of pension or retiring allowance should be made to certain of the former employees of the Society out of the said moneys and that the costs of the said proceedings in the Chancery Division of the High Court of Justice in Northern Ireland set out in the Second Schedule to this Act should be paid and that the residue of the said moneys after the making of such payments should be applied for the benefit of other Charitable Institutions having objects similar to those of the said Society.

And whereas His Majesty's Attorney-General for Northern Ireland and the Ministry of Finance in exercise of the office of Commissioners for Charitable Donations and Bequests have approved of the promoting of this Act by the said Trustees.

And whereas the objects of this Act cannot be attained without the authority of Parliament.

MAY IT THEREFORE, PLEASE YOUR MAJESTY that it may be enacted and be it enacted by the King's Most Excellent Majesty and the Senate and House of Commons of Northern Ireland in this present Parliament assembled and by the authority of the same as follows, that is to say,

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PART I. PRELIMINARY.

Short Title.

1. This Act may be cited as the Hampton House School Act (Northern Ireland), 1928.

Division of Act into Parts.

2. This Act is divided into Parts as follows :—

Part I.—Preliminary.

Part II.—Distribution of Trust Fund.

Part III.—Supplemental.

Interpretation.

3. In this Act unless the context otherwise requires—

"The Trust Fund" means the proceeds of sale of the Hampton House Industrial School for Girls, and other moneys now subject to the same trusts as such proceeds of sale, now represented by the moneys and securities specified in the First Schedule to this Act.

"The Trustees" means the Trustees of the said Indenture of the 13th day of January, 1880, as appointed by the said Indenture of the 8th day of October, 1914, and the survivors of them.

PART II.—DISTRIBUTION OF TRUST FUND.

Trust Fund to be applied by Ministry of Finance.

4. The Trust Fund shall be applied and paid by the Ministry of Finance in accordance with the provisions of this Act.

Authorization of payments out of Trust Fund.

5.—(1) The several sums specified in the second column of the Second Schedule to this Act shall be paid out of the Trust Fund to the several persons whose names are set out opposite to the said sums respectively in the first column of the said Schedule.

(2) The sums specified in the second column of the Third Schedule to this Act shall be paid out of the Trust Fund to the respective Treasurers of the Institutions of which the names are set out opposite to the said sums respectively in the first column of the said Schedule and shall be applied for the purposes of such Institutions respectively as the Governing Bodies thereof shall determine.

(3) After the payments authorised by sub-sections (1) and (2) of this Section shall have been made, the Trust Fund shall be invested in such stocks shares funds or

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securities as the Ministry of Finance shall from time to time determine or retained in its present state of investment.

(4) There shall be paid out of the income of the Trust Fund annuities of the amounts specified in the second column of the Fourth Schedule to this Act to the persons whose names are set out opposite to such annuities in the first column of the said Schedule during the respective lives of such persons, on such yearly half-yearly or quarterly days as the Ministry of Finance may from time to time determine and such annuities shall be apportionable and shall be deemed to accrue from day to day.

(5) Payments made by or on behalf of the Trustees on account of annuities or retiring allowances, which would have been authorized by this Act, if this Act had been in force at the time of such payments (but not exceeding in amount the amounts authorized by this Act), shall be deemed to have been validly made. Provided that for the purposes of this sub-section retiring allowances shall be deemed to have been payable on and annuities shall be deemed to have commenced as from the first day of August, 1924, and interest on retiring allowances shall be calculated at such rate not exceeding five per cent. per annum as the Ministry of Finance may determine.

(6) Money paid in respect of retiring allowances, annuities or interest on retiring allowances in excess of the amounts authorized by sub-section (4) of this section to persons entitled to retiring allowances or annuities under the provisions of this Act shall be deducted from the sums by this Act directed to be paid to such persons respectively and future payments shall be adjusted for this purpose as the Ministry of Finance shall direct, but such excess shall not be otherwise recoverable.

(7) Subject to the payments authorized by this section and by section 8 of this Act the income of the Trust Fund shall be paid to the Trustees of the Shamrock Lodge Industrial School, Belfast.

Provision in case of failure of object of Trust.

6. If at any time hereafter the Shamrock Lodge Industrial School, Belfast, shall cease to exist, the income of the Trust Fund shall be applied for the benefit of such

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one or more Charitable Institutions in Belfast having objects similar to those of the Shamrock Lodge Industrial School, Belfast, as the Ministry of Finance may select and in such manner in all respects as the said Ministry shall determine.

PART III.—SUPPLEMENTAL.

Release of Trustees.

7. The Trustees their heirs executors and administrators and the heirs executors and administrators estates and effects of any of the Trustees who has died are released from all actions proceedings claims and demands in respect of the sale of the Hampton House Industrial School or of the proceeds of such sale or the interest thereon or moneys paid or transferred by them to the Ministry of Finance or anything done or omitted by the Trustees or any of them in respect of any of the matters aforesaid.

Costs of Act.

8. All the costs charges and expenses of and incidental to the preparing applying for obtaining and passing of this Act when taxed by the taxing officer of the Parliament of Northern Ireland shall be paid by the Ministry of Finance out of the Trust Fund.

THE SCHEDULES REFERRED TO IN THE FOREGOING ACT.

FIRST SCHEDULE.

£7,054 10 8. 5 per cent. War Stock, 1929/47, standing in the name of the Ministry of Finance.

£176 14 4. On Deposit Receipt in the Belfast Banking Company, Limited, in the name of the Ministry of Finance.

Any interest or dividends that may have accrued at the date of the passing of this Act.

SECOND SCHEDULE.

Payee.	Amount.
Costs.	
The Ministry of Finance	£95
Hume Babington, Solicitor for His Majesty's Attorney-General for Northern Ireland	£20
John Bristow, Solicitor for the Trustees	£60

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Retiring Allowances.	
Miss M. Parkes	£100
Mrs. S. Kirkwood	£100
Mr. J. McCoubrie	£20

THIRD SCHEDULE.

Payments to Charitable Institutions.

Institution.	Amount.
The Homes of Rest for Girls, Bangor, in connection with Cripples Institute	£500
The Florence Crosby Holiday Homes for Girls, Bangor, in connection with the Shankill Road Mission	£500

FOURTH SCHEDULE.

Annuities.

Payee.	Annual Amount.
Mrs. Annie Harris	£60
Miss L. Stevenson	£80
Mrs. B. Barrow	£25

CHAPTER iii.

An Act to Empower the London Midland and Scottish Railway Company to construct a Railway and other works and to acquire Lands; and for other purposes.

[4th June, 1928].

Preamble.

WHEREAS it is expedient that the London Midland and Scottish Railway Company (in this Act referred to as "the Company") should be empowered to construct and maintain the railway and other works in this Act mentioned and to acquire the lands in this Act described:

And whereas it is expedient that the Company should be empowered to apply their funds to the purposes of this Act and that the other powers in this Act mentioned should be conferred:

And whereas plans and sections showing the lines and levels of the railway and works by this Act authorised and plans of the lands which may be taken under the

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powers of this Act and a book of reference to those plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands were duly deposited with the Clerk of the Crown and Peace and the Secretary of the County Council of Antrim within which the said railway and works will be constructed and the said lands are situate which plans sections and book of reference are in this Act respectively referred to as "the deposited plans sections and book of reference":

And whereas the purposes of this Act cannot be attained without the authority of the Parliament of Northern Ireland:

MAY IT THEREFORE PLEASE YOUR MAJESTY

That it may be Enacted and be it Enacted by the King's Most Excellent Majesty and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled and by the authority of the same as follows (that is to say):—

Short title.

1. This Act may be cited for all purposes as the London Midland and Scottish Railway Act (Northern Ireland), 1928.

Interpretation.

2. In this Act unless there be something in the subject or context repugnant to such construction the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have in relation to the relative subject-matter the same respective meanings and—

"the Company" means the London Midland and Scottish Railway Company;

the "deviations" mean the deviations of railways by this Act authorised.

"the railway" means the railway by this Act authorised;

all distances and lengths stated in any description of works or lands shall be read and have effect as if the words "or thereabouts" were inserted after each such distance and length.

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"the Ministry of Finance" means the Ministry of Finance for Northern Ireland.

"the Ministry of Commerce" means the Ministry of Commerce for Northern Ireland.

"the Supreme Court" means the Supreme Court of Judicature of Northern Ireland.

"the High Court" means the High Court of Justice in Northern Ireland.

References in this Act to enactments of the Parliament of the United Kingdom shall be construed as references to those enactments as they apply in Northern Ireland.

Incorporation of general Acts.

3. The following Acts and Part of an Act so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act are incorporated with and form part of this Act (that is to say):—

The Land Clauses Acts;

The Railways Clauses Consolidation Act 1845; and

Part I. (relating to the construction of a railway) of the Railways Clauses Act, 1863.

With reference to this Act all the provisions of sections 7, 8 and 9 of the Railways Clauses Consolidation Act, 1845, shall be read and construed as if instead of the expression "postmasters of the post towns in or nearest to such parishes in Ireland" the expression "clerks of the district councils of the districts in Northern Ireland" and as if instead of the word "postmasters" the words "clerks of the district councils" had been used and inserted throughout those sections.

Protection of gas and water mains of local authorities.

4. The provisions of Sections 18 to 23 of the Railways Clauses Consolidation Act, 1845, shall for the purposes of this Act extend and apply to the gas and water mains pipes and apparatus of any local authority or gas or water board and shall be construed as if "local authority" "gas board" and "water board" were mentioned in those sections in addition to "company" or "society": Provided that any penalties recovered under section 23 shall be appropriated to that fund of the local authority or gas or water board to which their revenues in respect of gas or water (as the case may be) are appropriated.

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Power to Company to construct a railway and works.

5. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the railway and other works hereinafter described with all proper stations sidings approaches works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference relating thereto as may be required for those purposes and for any other purposes connected with their undertaking.

The railway and works hereinbefore referred to and authorised by this Act to be made by the Company are :—

In the County of Antrim.

A deviation (No. 1) 6 furlongs 2.6 chains in length wholly in the Rural District of Belfast Townlands of Whiteabbey Croghfern and Jordanstown of the Company's Belfast and Larne Railway commencing in the Townland of Whiteabbey at the point 180 yards North of the bridge carrying the road from Whiteabbey Village to Cloughfern over the said railway and terminating in the Townland of Jordanstown at the point 428 yards North of the bridge carrying the said railway over Three Mile Water.

A deviation (No. 2) 1 mile 38 chains in length in the Rural Districts of Belfast and Antrim Townlands of Monkstown Ballyhowne and Carntall of the Company's Railway from Greenisland to Antrim commencing in the Townland of Monkstown at Rodgers Bridge and terminating in the Townland of Carntall at the bridge West of Mossley Station known as the Shop Bridge.

A railway (to be called the Greenisland Loop) 1 mile 28 chains in length wholly in the Rural District of Belfast Townlands of Whiteabbey Croghfern Jordanstown and Monkstown commencing in the Townland of Whiteabbey by a junction with deviation No. 1 at the point where the road between the Bleachworks and Whiteabbey Village crosses the Company's Belfast and Larne Railway and terminating in the Townland of Monkstown by a junction with deviation No. 2 at a point 20 yards East of the road from Monkstown to the road from Mossley to Greenisland and 45 yards South of the centre of the Company's railway from Greenisland to Antrim.

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For protection of Belfast City and District Water Commissioners.

6. For the protection of the Commissioners acting in execution of the Belfast Water Acts, 1840 to 1924 (hereinafter called the "Commissioners") the following provisions shall unless otherwise agreed in writing between the Commissioners and the Company apply and have effect (that is to say):—

(*a*) The Company shall lower the Woodburn Conduit of the Commissioners (hereinafter referred to as "the Conduit") where it is crossed by the railway to a depth below formation level of the Railway at each point of crossing commencing in each case by bends and continuing that Conduit behind the slope of the cutting of and under the railway and thence by other bends to the point where it intercepts the Conduit so as thereby to convey the supply of water as effectually as the Conduit does at present and in the portion of the Conduit to be lowered the Company shall if so required by the Commissioners replace the existing cast iron pipes by pipes of steel of carrying capacity equal to the existing pipes, such steel pipes to be protected both internally and externally against deterioration from rust or other injury or from incrustation by a method to be selected by the Commissioners.

(*b*) The Company shall attach a scouring valve to the lowest part of each pipe when altered at the points where the railway crosses the Conduit and shall provide a drain with suitable fall so that such pipe may be emptied when necessary, and the Commissioners shall have free access to the said valves on and over the lands of the Company from time to time and as often as may be required to run off the water into the said drains and to clean out the said pipes. The Company shall provide and fix on each pipe two air valves in positions to be indicated by the Commissioners' Engineer and the Commissioners shall have free access at all times to such valves.

(*c*) The Company shall construct such temporary works as may be necessary so as not to interrupt the supply of water from the Conduit.

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(*d*) All works matters or things which the Company may be empowered or required to do or execute with reference to the Conduit shall be done and executed by and at the expense of the Company but to the satisfaction of the Engineer for the time being of the Commissioners. Such works matters or other things shall not be commenced till after fourteen days notice thereof in writing together with a plan and section of the intended work shall have been given by the Company to the Commissioners and if the Commissioners by notice in writing to the Company within seven days after the receipt by them of notice of the intended commencement by the Company of any such work matter or thing require that the Commissioners shall by their own Engineer or workmen do or execute such work matter or thing the Commissioners may on the expiration of the first-mentioned notice do or execute the same and the Company shall on the completion thereof pay to the Commissioners the reasonable expenses incurred by them in the execution thereof.

(*e*) The Company shall bear the reasonable expenses of and incidental to the superintendence and watching by the Commissioners or their Engineer or officers of the alteration of the Conduit during the progress and until the completion of the same.

(*f*) If any interruption whatsoever in the supply of water by the Commissioners shall during the construction of the railway be in any way occasioned by the Company or by the acts of any of their contractors agents workmen or servants or any person in the employ of them or any or either of them the Company shall forfeit and pay on demand to the Commissioners for the use and benefit of the Commissioners the sum of twenty pounds for every day during which such interruption shall continue.

(*g*) The expense of all repairs or renewals of the said portion of the conduit or any works in

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connection therewith which may at any time hereafter be rendered necessary by the acts or defaults of the Company their contractors agents workmen or servants or any person in the employ of them or any or either of them shall be borne and paid by the Company and may be recovered against them by the Commissioners.

(*h*) The Commissioners shall not be liable for any loss or damage which may happen to the railway or works connected therewith or to the rolling stock used or to the passengers conveyed upon the railway by reason of any accident which may at any time happen to the Conduit at or under the railway nor for any loss or damage to the Company arising from the stoppage or loss of traffic on the railway during the repair of the Conduit which may be necessary in consequence of such accident unless such loss or damage shall have been occasioned by the default or neglect of the Commissioners or of their agents officers workmen or servants.

(*i*) Nothing in this Act shall prevent the Commissioners in exercise of their existing statutory powers from laying at their own expense from time to time as they may think fit additional mains or pipes with all scour pipes and air and other valves for supplying water or from repairing or from time to time inspecting any mains pipes services or other works at under over across or near the railway and the Commissioners shall not be liable for any damage to the railway or works connected therewith or for any stoppage of the railway or loss of traffic thereon that may be caused by the laying repairing or inspecting of any mains pipes services or other works at under over across or near the railway Provided that the operations of the Commissioners shall be carried on with all possible expedition and so as to interfere as little as possible with the traffic on the railway and according to the

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directions and under the superintendence of the engineer for the time being of the Company and of the Commissioners respectively.

(*j*) The Commissioners shall not be liable for any damage or injury done to the railway by reason of any of the works executed under this Act or consequent on the execution thereof unless such damage or injury shall have been occasioned by the default or neglect of the Commissioners or of their agents officers workmen or servants.

(*k*) The rights of the Commissioners in their existing way-leave of 20 feet wide along the line of the Conduit shall be preserved to the Commissioners by the Company who shall erect gates at each point where the railway fence will intersect the Conduit.

(*l*) If any difference shall arise between the Company or their engineer and the Commissioners or their engineer with respect to the amount of any costs expenses or charges under the provisions of this Act or any Act incorporated herewith to be paid by the Company to the Commissioners or with respect to any work matter or thing with reference to the Conduit or other works of the Commissioners under such provisions to be done or executed by the Company or the Commissioners or the mode of doing or executing the same such difference shall be submitted and referred to an Arbitrator who shall be appointed by the Ministry of Finance of Northern Ireland whose decision shall be final and binding on the Company and the Commissioners and shall not be subject to appeal or review.

(*m*) Except as in this Act specially provided nothing in this Act shall prejudice diminish alter or take away any of the rights privileges powers or authorities of the Commissioners.

Railway, etc., to form part of Company's undertaking.

7. The railway and deviations shall for all purposes form part of the Northern Counties undertaking of the Company provided that for the purposes of calculating

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tolls rates and charges traffic passing over the railway shall be deemed to pass via Greenisland Station.

Period for completion of railway.

8. If the railway is not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the said railway or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Imposing penalty unless railway opened.

9. If the Company fail within the period limited by this Act to complete the railway and open the same for public traffic they shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the railway is completed and opened for public traffic or until the sum received in respect of such penalty amounts to five per centum on the estimated cost of the railway.

The said penalty may be applied for by any landowner or other person claiming to be compensated or interested in accordance with the provisions of the next following section of this Act and in the same manner as the penalty provided in the third section of the Railway and Canal Traffic Act, 1854.

Every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such Court or judge as is specified in that section to an account opened or to be opened in the name and with the privity of the Accountant-General for and on behalf of the Supreme Court in the bank and to the credit specified in such warrant or order and shall not be paid thereout except as hereinafter provided.

But no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Ministry of Commerce that the Company were prevented from completing or opening the railway by unforeseen accident or circumstances beyond their control: Provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Application of penalty.

10. Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the "Belfast Gazette" shall be applied towards compensating any landowners or other persons whose

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property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred by this Act for the purposes of such railway and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court may seem fit.

If no such compensation is payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid has been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent or the railway or any part thereof has been abandoned be paid or transferred to such receiver or be applied in the discretion of the Court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or retransferred to the Company.

Repair of roads where level not permanently altered.

11. Notwithstanding anything contained in Section 46 of the Railways Clauses Consolidation Act, 1845, the Company shall not be liable to maintain the surface of any road or public highway which shall be carried over the railway or either deviation by a bridge or bridges or the immediate approaches thereto except so far as the level of such road public highway or approaches is permanently altered so as to increase the gradient.

Provided that nothing in this section shall relieve the Company from any liability which they were under immediately before the passing of this Act for the maintenance of the surface of any such road highway or approach.

Power to divert roads.

12. The Company may divert the roads referred to in the next following table in the manner shown upon the deposited plans and sections and subject to the provisions of this Act may stop up and cause to be dis-

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continued as a road so much of each existing road as will be rendered unnecessary by the new portion of road so shown on the said plans (that is to say):—

Area.	No. of Road or Footpath on Deposited Plan.
Rural District of Belfast, Townland of Ballyhowne.	60
Rural District of Antrim, Townland of Carntall.	2. 11.

Stopping up roads and footpaths in case of diversion.

13. Where this Act authorises the diversion of a road or footpath or the making of a new road or footpath and the stopping up of an existing road or footpath or portion thereof such stopping up shall not take place until such new road or footpath is completed to the satisfaction of the road authority and is open for public use or in case of difference between the Company and the road authority until two justices shall have certified that the new road or footpath has been completed to their satisfaction and is open for public use.

Before applying to the justices for their certificate the Company shall give to the road authority of the district in which the existing road or footpath is situate seven days' notice in writing of their intention to apply for the same.

As from the completion to the satisfaction of the road authority of the new road or footpath or as from the date of the said certificate as the case may be all rights of way over or along the existing roads or footpaths or portions authorised to be stopped up shall be extinguished and the Company may subject to the provisions of the Railways Clauses Consolidation Act, 1845, with respect to mines lying under or near the railway appropriate and use for the purposes of their undertaking the site of the road or footpath or portion thereof stopped up as far as the same is bounded on both sides by lands of the Company.

Provided that the Company shall make full compensation to all parties interested in respect of any private rights of way extinguished by virtue of this

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section and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Further provision as to repair of roads and footpaths.

14. Any road or footpath or portion of road or footpath made diverted or altered under the authority of this Act (except the stone iron or other structure carrying any such road or footpath over the railway or deviations which structure shall unless otherwise agreed be maintained by and at the expense of the Company) shall when made and completed and unless otherwise agreed be maintained by and at the expense of the body or persons liable to maintain roads or footpaths of the same nature and in the same district as the road or footpath or portion of road or footpath in question.

Power to deviate in construction of railway and works.

15. In constructing the railway deviations and works by this Act authorised the Company may deviate from the lines of any of the railway deviations and works shown on the deposited plans thereof to the extent of the limits of deviation marked thereon and may deviate from the levels of the railway and deviations shown on the deposited sections in accordance with the provisions of the Railways Clauses Consolidation Act, 1845, and may deviate from the levels of the other works shown on the deposited sections to any extent not exceeding five feet upwards or downwards.

Period for compulsory purchase of lands.

16. The powers granted by this Act for the compulsory purchase of lands shall cease on the expiration of three years from the passing of this Act.

As to private rights of way over lands taken compulsorily.

17. All private rights of way over any lands which may under the powers of this Act be acquired compulsorily shall as from the date of their acquisition be extinguished: Provided that the Company shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Owners may be required to sell parts only of certain properties.

18. And whereas in the construction of the works by this Act authorised or otherwise in the exercise by the Company of the powers of this Act it may happen that portions only of certain properties shown or partly

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shown on the deposited plans will be sufficient for the purposes of the Company and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto. Therefore the following provisions shall have effect :—

(1) The owner of and persons interested in any of the properties whereof the whole or part is described in the Schedule to this Act and whereof a portion only is required for the purposes of the Company are in this section included in the term "the owner" and the said properties are in this section referred to as "the scheduled properties";

(2) If for twenty-one days after the last newspaper publication of the notice of appointment of arbitrator and deposit of schedules and maps of the lands required by the Company the owner shall fail to notify in writing to the Company that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Company such portion only without the Company being obliged or compellable to purchase the whole the Company paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise;

(3) If within such twenty-one days the owner shall by notice in writing to the Company allege that such portion cannot be so severed the arbitrator to whom the question of disputed compensation shall be submitted (hereinafter referred to as "the arbitrator") shall in addition to the other questions required to be determined by him determine whether the portion of the scheduled property specified in the schedules and maps deposited by the Company of the lands required by them can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but

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not exceeding the portion over which the Company have compulsory powers of purchase) can be so severed;

(4) If the arbitrator determine that the portion of the scheduled property specified in the said schedules and maps or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Company the portion which the arbitrator shall have determined to be so severable without the Company being obliged or compellable to purchase the whole the Company paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the arbitrator.

(5) If the arbitrator determine that the portion of the scheduled property specified in the said schedules and maps can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the arbitrator may in his absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the arbitration shall be borne and paid by the owner;

(6) If the arbitrator determine that the portion of the scheduled property specified in the said schedules and maps cannot be severed from the remainder without material detriment thereto (and whether or not he shall determine that any other portion can be so severed) the Company may delete the said portion from the said schedules and maps and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of the inclusion of such portion in the said schedules and maps.

(7) If the arbitrator determine that the portion of the scheduled property specified in the said schedules and maps cannot be severed from the remainder without material detriment thereto

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but that any such other portion as aforesaid can be so severed the Company in case they shall not agree to delete from the said schedules and maps the portion first included may amend such schedules and maps by substituting therein the portion which the arbitrator shall determine can be so severed as aforesaid for the said portion first included and shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such inclusion or such portion of such cost charges and expenses as the arbitrator shall having regard to the circumstances of the case and his final determination think fit.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Acts contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provision of section 92 of the Lands Clauses Consolidation Act, 1845.

The provisions of this section shall be stated in every schedule deposited by the Company wherein a portion of any of the scheduled properties is included as proposed to be acquired compulsorily.

Power to certain owners to grant easements.

19. Persons empowered by the Land Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the Lands Clauses Acts with respect to lands and rent charges so far as the same are applicable in that behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to enter upon property for survey and valuation.

20. The Company and their surveyors officers contractors and workmen may at all reasonable hours in the daytime upon giving in writing for the first time twenty-four hours' and afterwards twelve hours'

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previous notice enter upon and into the lands and premises by this Act authorised to be taken and used by them for the purpose of surveying and valuing the said lands and premises without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands and premises.

Costs of Arbitration in certain cases.

21. The arbitrator to whom any question of disputed purchase money or compensation under this Act is referred shall if so required by the Company award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Company by the claimant giving sufficient particulars and in sufficient time to enable the Company to make a proper offer and if the arbitrator shall be of opinion that no such statement giving sufficient particulars and in sufficient time shall have been delivered and that the Company have been prejudiced thereby the arbitrator shall have power to decide whether the claimant's costs or any part thereof should be borne by the claimant: Provided that it shall be lawful for any judge of the High Court to permit any claimant after seven days' notice to the Company to amend the statement in writing of the claim delivered by him to the Company in case of discovery of any error or mistake therein or for any other reasonable cause such error mistake or cause to be established to the satisfaction of the judge after hearing the Company if they object to the amendment and such amendment shall be subject to such terms enabling the Company to investigate the amended claim and to make an offer de novo and as to postponing the hearing of the claim and as to costs of the inquiry and otherwise as to such judge may seem just and proper under all the circumstances of the case: Provided also that this section shall be applicable only in cases where the newspaper notices of appointment of arbitrator contain a notice of the effect of this section.

Compensation in case of recently altered buildings.

22. In settling any question of disputed purchase money or compensation for lands acquired by the Company under the powers of this Act the arbitrator settling the same shall not award any sum of money for or in respect of any improvement or alteration made or any building erected after the first day of December one

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thousand nine hundred and twenty-seven if in the opinion of the arbitrator the improvement alteration or building in respect of which the claim is made was made or erected with a view to obtaining or increasing compensation nor in the case of any estate or interest in the lands created after the said date which in the opinion of the arbitrator was created with a view to obtaining or increasing compensation shall any sum of money be awarded so as to increase the total amount of compensation which would otherwise have been required to be paid in respect of the acquisition by the Company of such lands.

Power to make agreements with local authorities, &c.

23. The Company may enter into and carry into effect agreements with the authority or parties having the charge management or control of the roads streets footpaths or highways or any of them portions whereof shall under the provisions of this Act be altered or stopped up with reference to the construction or contribution towards the costs of such alteration or of any new road street footpath or highway to be substituted therefor and with reference to any other matters relating thereto and if so agreed the Company may delegate to such authority or parties as aforesaid the power of constructing and maintaining all or any of such alterations or new roads streets footpaths or highways in which they may be interested including the structure of any bridge over or under any railway and any expenses incurred by a road authority under and for any of the purposes of this section shall be deemed to be expenses incurred in the execution and under and for the purposes of the Local Government (Ireland) Act, 1898.

Application of certain sections of London Midland and Scottish Railway Act, 1924.

24. The provisions of section 44 (Power to lease etc. land) and of section 54 (Powers as to building on or over lands) of the London Midland and Scottish Railway Act, 1924, shall extend and apply to any lands or premises acquired or held or which may hereafter be acquired or held by the Company under the powers of this Act.

Company may apply corporate funds.

25. The Company may appropriate and apply to all or any of the purposes of this Act being purposes to which capital is properly applicable any of the moneys which they have raised or are authorised to raise and which are not required for the purposes to which they are made specially applicable.

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Recovery of demands.

26. Proceedings for the recovery of any demand made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

Provisions as to general Railway Acts.

27. Nothing in this Act contained shall exempt the Company from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies passed before or after the passing of this Act or from any future revision or alteration under the authority of the Parliament of Northern Ireland of the maximum rates of fares and charges or of the rates for small parcels authorised to be taken by the Company.

Costs of Act

28. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

SCHEDULE.

PROPERTIES OF WHICH PORTIONS ONLY MAY BE TAKEN COMPULSORILY.

Area.	No. on Deposited Plans.	Description of Property in Book of Reference.
Rural Districts of Belfast.	2	Grassland.
	14	Grassland.
	35	Field, House, Garden and Outbuildings.
	36	Field.

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CHAPTER iv.

An Act to enable the Urban District Council of Dromore, County Down, to extend their borrowing powers to a Sum not exceeding £15,000 over and above and in addition to the borrowing powers conferred upon Urban District Councils by Section 238 (2) of the Public Health (Ireland) Act, 1878.

[4th June, 1928.]

WHEREAS the Urban District of Dromore in the County of Down Northern Ireland is an Urban District within the meaning of the Local Government (Ireland) Act, 1898, 61 & 62 Vic. Cap. 37 and is under the management and control of the Urban District Council of Dromore which District and Council are in this Act respectively referred to as " the District " and " the Council " and the Council is also the Urban Sanitary Authority within the meaning of the Public Health (Ireland), Act 1878.

And whereas it is expedient to make further and better provisions in regard to (*a*) Public Water Supply for the District; (*b*) Sewerage Scheme for the District; (*c*) Improvement of the roads and streets in the District; and (*d*) Generally in relation to the Health Local Government and improvement of the District.

And whereas the objects aforesaid cannot be attained without having first obtained the authority of Parliament to extend the Borrowing Powers of the Council.

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds (Ireland) Act, 1888, have been observed.

51 & 52 Vict., c. 53.

And whereas by virtue of the provisions of Section 238 of The Public Health (Ireland) Act, 1878, the borrowing powers of the Council are limited to the sum of £11,459 18s. 0d.

41 & 42 Vict., c. 52.

And whereas the Council have borrowed pursuant to the powers them thereunto enabling the sum of £2,188 7s. 3d., leaving unexpended a balance of £9,271 10s. 9d. as on the 30th September, 1927.

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MAY IT THEREFORE PLEASE YOUR MAJESTY That it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Senate and the House of Commons of Northern Ireland in this present Parliament assembled and by the authority of the same as follows, that is to say :—

Short title.

1. This Act may be cited as the Dromore Urban District Council Act (Northern Ireland), 1928.

Interpretation.

2. In this Act unless the context otherwise requires :—

"Statutory security" means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture-stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act, 1875, but does not include annuities rent-charges or securities transferable by delivery or any securities of the Council.

"Statutory borrowing power" means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rent-charge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government Department made or given or to be made or given by authority of any Act of Parliament passed or to be passed.

Extent of borrowing powers.

3. The Council may for the purpose of defraying any costs charges outlay and expenses incurred or to be incurred by them in connection with the said works

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hereinbefore set forth and upon the security of the rates tolls funds rents issues profits income and revenue or any one or more of them due or accruing due from time to time to the Council borrow or re-borrow and take up at interest any sum of money not exceeding in the aggregate the sum of £15,000 necessary for defraying any such costs charges outlay and expenses as aforesaid, provided that the borrowing powers conferred by this Act shall be exercised only with the consent of the Ministry of Home Affairs who shall have power to fix the period of re-payment of all moneys borrowed under the said powers and all sums so borrowed shall be expended on permanent works (including under this expression any works of which the cost ought in the opinion of the said Ministry to be spread over a term of years).

Section 238 of Public Health (Ireland) Act not to apply.

4. The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in section 238 of the Public Health (Ireland) Act, 1878, and in calculating the amount which the Council may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Method of raising money.

5. The Council may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures or annuity certificates or by such method or means as are authorised by the said Public Health (Ireland) Act, 1878, or any Act or Acts extending or amending same.

Provisions of Public Health Act as to mortgages to apply.

6. The following sections of the Public Health (Ireland) Act, 1878, shall (subject to the provisions of the section of this Act the marginal note of which is "Power to use one form of Mortgage for all purposes") extend and apply to mortgages granted under this Act (that is to say):—

Section 240 (Form of mortgage).
Section 241 (Register of mortgages).
Section 242 (Transfer of mortgages).
Section 243 (Receiver may be appointed in certain cases).

Method of payment off of money borrowed.

7. The Council shall pay off all moneys borrowed by them on Mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal

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or of principal and interest combined or by means of a sinking fund or partly by such instalments and partly by a sinking fund and the payment of the first instalment or the first payment to the sinking fund shall be made within twelve months if by yearly repayments or within six months if by half-yearly repayments from the time of borrowing the sum in respect of which the payment is made.

Sinking Fund.

8.—(1) If the Council determine to repay by means of a sinking fund any moneys borrowed by virtue of this Act such sinking fund shall be formed and maintained either—

(*a*) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed. A sinking fund so formed is hereinafter called a "non-accumulating sinking fund," or

(*b*) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds ten shillings per centum per annum or such other rate as the Ministry of Home Affairs may from time to time approve will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed. A sinking fund so formed is hereinafter called "an accumulating sinking fund."

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in statutory securities the Council being at liberty from time to time to vary and transpose such investments.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Council towards the equal annual payments to the fund.

(4) The Council may at any time apply the whole or any part of any sinking fund in or towards the dis-

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charge of the moneys for the repayment of which the fund is formed. Provided that in the case of an accumulating sinking fund the Council shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund or part thereof so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5)—(*a*) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the Council.

(*b*) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Act shall be paid by the Council in addition to the payments provided for by this Act.

(7) If it appears to the Council at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Council to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose provided that if it appears to the Ministry of Home Affairs that any such increase is necessary the Council shall increase the payments to such extent as the Ministry of Home Affairs may direct.

(8) If the Council desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

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(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Ministry of Home Affairs be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Council may reduce the payments to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Ministry of Home Affairs be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Ministry of Home Affairs be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Council may with the consent of the Ministry discontinue the annual payments to such sinking fund until the Ministry shall otherwise direct.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose or purposes as the Council with the consent of the Ministry of Home Affairs may determine.

Power to invest all Sinking Funds in Statutory Securities.

9. When under the provisions of any Act of Parliament or of any Order confirmed by or having the effect of an Act of Parliament whether passed confirmed or made before or after the passing of this Act the Council are empowered or required to form a sinking fund for the payment off of money borrowed or payable by them they may (in addition to any other powers for the time being vested in them) invest such sinking fund and the interest on the investments of such sinking fund in statutory securities.

Power to use one form of Mortgage for all purposes.

10.—(1) Where the Council have for the time being any statutory borrowing power they may for the purposes of exercising such power grant mortgages in pursuance of the provisions of this section.

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(2) Every mortgage granted under this section shall be by deed truly stating the consideration and the time or the mode of ascertaining the time and the place of payment and shall be sealed with the common seal of the Council and may be made in the form contained in the Schedule to this Act or to the like effect.

(3) All mortgages granted under this section shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of the mortgages or on any other ground whatsoever and shall also rank equally with all other securities granted by the Council at any time after the date of the first grant of a mortgage under this section.

(4) The repayment of all principal sums and the payment of interest thereon secured by mortgages granted under this section shall be and the same are by virtue of this Act charged indifferently upon all the revenues of the Council.

(5) Nothing in this section contained shall alter or affect the obligations of the Council to provide for the repayment of the sums secured by mortgages granted under this section and all such sums shall be repaid within the periods by the means and out of funds rates or revenues within by and out of which they would have been repayable respectively if this section had not been enacted.

(6) Nothing in this section contained shall alter or affect the obligations of the Council to provide for the payment of interest upon the sums secured by mortgages granted under this section, and the interest upon such sums shall be paid out of the funds rates or revenues out of which such interest would have been payable respectively if this section had not been enacted.

(7) There shall be kept at the office of the Council a register of the mortgages granted under this section and within fourteen days after the date of any such mortgage an entry shall be made in the register of the number and date thereof and of the names and descriptions of the parties thereto as stated in the deed. Every such register shall be open to public inspection during office hours at the said office without

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fee or reward and the clerk or other the person having the custody of the same refusing to allow such inspection shall be liable to a penalty not exceeding five pounds.

(8) Any mortgagee or other person entitled to any mortgage granted under this section may transfer his estate and interest therein to any other person by deed duly stamped truly stating the consideration and such transfer may be according to the form contained in the Schedule to this Act or to the like effect.

(9) There shall be kept at the office of the Council a register for the transfers of mortgages granted under this section and within thirty days after the date of every deed of transfer if executed within the United Kingdom or within thirty days after its arrival in the United Kingdom if executed elsewhere the same shall be produced to the clerk who shall on payment of a sum not exceeding five shillings cause an entry to be made in such register of its date and of the names and descriptions of the parties thereto as stated in the deed of transfer and until such entry is made the Council shall not be in any manner responsible to the transferee.

(10) On the registration of any transfer the transferee his executors or administrators shall be entitled to the full benefit of the original mortgage and the principal and interest secured thereby and any transferee may in like manner transfer his estate and interest in any such mortgage and no person except the last transferee his executors or administrators shall be entitled to release or discharge any such mortgage or any money secured thereby.

(11) If the Clerk of the Council wilfully neglects or refuses to make in the register any entry by this section required to be made he shall be liable to a penalty not exceeding twenty pounds.

Power to use Sinking Fund instead of borrowing.

11.—(1) Where the Council are authorised by any statutory borrowing power to raise money for any purpose they may instead of exercising such borrowing power by the issue of any fresh security in respect thereof exercise the said power and raise the said money either wholly or partially by using for such purpose so much of any money for the time being forming part of a sinking fund as shall be available for the repayment of—

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(*a*) A loan which is secured by a charge on the same rate fund or revenue as would be specifically chargeable as the security for the repayment of a loan under the statutory borrowing power if the same were raised by the issue of a fresh security and which is not shown by the deed to be raised in exercise of a particular borrowing power specified therein; or

(*b*) Moneys borrowed and charged upon all the revenues of the Council in manner provided by the section of this Act whereof the marginal note is "Power to use one form of mortgage for all purposes" and not shown by the deed to be raised in exercise of a particular borrowing power specified therein.

(2) The Council when exercising the powers conferred on them by this section shall—

(*a*) Withdraw from the sinking fund a sum equal to the amount of the statutory borrowing power proposed to be exercised by the user of money from such sinking fund;

(*b*) Credit such sinking fund with the repayment of an amount of the principal moneys for the repayment of which the fund is established equal to the sum withdrawn from the sinking fund and thereupon the amount so credited shall be deemed to be principal moneys discharged by application of the sinking fund;

(*c*) Debit the account of the statutory borrowing power proposed to be exercised with an amount of the principal money equal to the sum withdrawn from such sinking fund and thereupon the statutory borrowing power shall be deemed to have been exercised as fully as if the said amount had been raised by the issue of a fresh security and the provisions of any enactment as to the repayment and reborrowing of sums raised under the statutory borrowing power shall apply thereto accordingly.

(3) The Council shall furnish all such information (if any) to the Ministry of Home Affairs with regard to the exercise of the powers contained in this section as that Ministry shall require.

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Protection of lender from inquiry.

12. A person lending money to the Council under this Act shall not be bound to inquire as to the observance by them of any provisions of this Act or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent or of any part thereof.

Council not to regard trusts.

13. The Council shall not be bound to see to the execution of any trust whether expressed implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Council shall be sufficient discharge to the Council in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Council have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or any interest thereon not entered in their register.

Power to re-borrow.

14.—(1) The Council shall have power with the consent of the Ministry of Home Affairs :—

(*a*) To borrow for the purpose of paying off any moneys previously borrowed under this Act which are intended to be forthwith repaid ; or

(*b*) To borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Council in repaying moneys previously borrowed under this Act and which at the time of such repayment it was intended to replace by borrowed moneys.

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the prescribed period which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

(3) The Council shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

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(4) The Council shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid :—

(*a*) By instalments or annual payments ; or

(*b*) By means of a sinking fund ; or

(*c*) Out of moneys derived from the sale of land ; or

(*d*) Out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

Return to Ministry of Home Affairs as to repayment of debt.

15.—(1) The Clerk of the Council shall within twenty-one days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Act or in respect of any money raised under any statutory borrowing power and at any other time when the Ministry of Home Affairs may require such a return to be made transmit to the Ministry a return in such form as may be prescribed by that Ministry and if required by that Ministry verified by statutory declaration of the clerk showing for the year next preceding the making of such return or for such other period as the Ministry may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make such return the clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Ministry of Home Affairs out of the High Court.

(2) If it appears to the Ministry of Home Affairs by that return or otherwise that the Council have failed

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to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by the Act in pursuance of which the moneys are raised or by the Ministry of Home Affairs in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Ministry of Home Affairs may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of mandamus to be obtained by the Ministry of Home Affairs out of the High Court.

Application of Money borrowed.

16. Moneys borrowed or raised by the Council under this Act shall be applied only to the several purposes in respect of which they were respectively authorised to be borrowed or raised and to which capital is properly applicable.

Inquiries by Ministry of Home Affairs.

17.—(1) The Ministry of Home Affairs may direct any inquiries to be held by its inspectors which it may deem necessary in regard to the exercise of any powers conferred upon it, or the giving of any consents under this Act, and the Inspectors of the Ministry of Home Affairs shall for the purposes of any such inquiry, have all such powers as they have for the purposes of inquiries directed by that Ministry under the Public Health (Ireland) Act, 1878.

(2) The Council shall pay to the Ministry of Home Affairs any expenses incurred by that Ministry in relation to any inquiries referred to in this section, including the expenses of any witnesses summoned by the Inspector holding the Inquiry, and a sum to be fixed by that Ministry not exceeding five guineas a day for the service of such Inspector.

Costs of Act.

18. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the Parliament of Northern Ireland or otherwise in relation thereto shall be paid by the Council out of the rates leviable by the said Council.

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THE SCHEDULE REFERRED TO IN THE FOREGOING ACT.

FORM OF MORTGAGE.

By virtue of the Dromore Urban District Council (Northern Ireland) Act, 1928, and of other their powers in that behalf them enabling the Dromore Urban District Council (hereinafter called "The Council") in consideration of the sum of

pounds paid to the treasurer of the Council by (hereinafter called "the mortgagee") do hereby grant and assign unto the mortgagee (his) executors administrators and assigns such proportion of the revenues of the Council as the said sum so paid doth or shall bear to the whole sum which is or shall be charged on the said revenues. To hold unto the mortgagee (his) executors administrators and assigns from the day of the date of these presents until the said sum of

pounds shall be fully paid and satisfied with interest for the same (subject as hereinafter provided) at the rate of per centum per annum from the day of One thousand nine hundred and until payment of the said principal sum such interest to be paid half-yearly (to the bearer of the coupons or interest warrants hereunto annexed or to be hereafter annexed hereto on the days and at the place therein mentioned) (on the day of and the day of in each year) And it is hereby agreed that the said principal sum of pounds shall be repaid at the office of the Council in the said district (subject as hereinafter provided) on the day of One thousand nine hundred and (by)

Provided always and it is hereby agreed and declared that the before-mentioned time for repayment may be extended to such subsequent day or days and upon any such extension the before-mentioned rate of interest may be altered to such other rate or rates of interest as shall from time to time be mentioned and specified in an endorsement to be made hereon under the hands of the chairman and clerk of the Council for the time being respectively and that upon any such endorsement being made whether relating to extension of time only or to extension of time with alteration of rate of interest the provisions thereof shall be incorporated herewith and shall operate and take effect as though they had been originally inserted herein.

In Witness whereof the Council have caused their common seal to be hereunto affixed this day of One thousand nine hundred and

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THE ENDORSEMENT WITHIN REFERRED TO.

The within-named
consenting the within-mentioned time for repayment of the within-mentioned principal sum of
is hereby extended to the day of
one thousand nine hundred and (and the interest to be paid thereon on and from the
day of one thousand nine hundred and
is hereby declared to be at the rate of per centum per annum).

Dated this day of one thousand nine hundred and

FORM OF TRANSFER OF MORTGAGE.

I (the within-named)
of
in consideration of the sum of
pounds paid to me by
of
(hereinafter called "the transferee") do hereby transfer to the transferee (his) executors administrators and assigns (the within-written security) (the mortgage number of the revenues of the Dromore Urban District Council bearing date the day of)
and all my right and interest under the same subject to the several conditions on which I hold the same at the time of the execution hereof and I the transferee for myself my executors administrators and assigns do hereby agree to take the said mortgage security subject to the same conditions.

Dated this day of one thousand nine hundred and

CHAPTER v.

An Act to give statutory effect to the Constitution of the Religious Body known as the Methodist Church in Ireland and to provide for the alteration and amendment of same, to confer additional powers upon the Annual Conference of said Church, to confer additional powers upon the Statutory Trustees incorporated by the Methodist Church in Ireland Act, 1915, to enable trusts to be declared in favour of such Church, to provide for Conduct of Proceedings of Conference and other purposes in relation thereto. [4th June, 1928.]

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Preamble.

WHEREAS in or about the year 1739 John Wesley, late of Lincoln College, Oxford, Clerk in Holy Orders, founded a religious Society, of which the members subsequently became generally known by the name of Methodists or Wesleyan Methodists, which Society was introduced into Ireland in the year 1747;

And whereas divers buildings in Great Britain and Ireland commonly called Chapels, with a messuage or dwellinghouse school-houses or other appurtenances were from time to time given or conveyed by the said John Wesley and other persons to Trustees upon trust (inter alia) to permit and suffer such person and persons and for such time and times as should be appointed by the Yearly Conference of the people called Methodists in London, Bristol or Leeds, and no others to have and enjoy the said premises for the purposes of preaching and expounding God's Holy Word;

And whereas for the purpose of rendering effectual the trusts created by the said several gifts and conveyances, and that no doubt or litigation might arise with respect to the same, or the interpretation or true meaning thereof, the said John Wesley executed a Deed Poll of Declaration dated the 28th day of February, 1784, which said Deed was duly enrolled in the High Court of Chancery in England;

And whereas the said Deed Poll contained a Declaration by the said John Wesley that the Yearly Conference of the people called Methodists had always theretofore consisted of the preachers and expounders of God's Holy Word, commonly called Methodist Preachers in connection with and under the care of the said John Wesley whom he had thought expedient to summon to meet him in London, Bristol or Leeds to advise with them for the promotion of the Gospel of Christ to appoint the person so summoned and the other preachers and expounders of God's Holy Word, also in connection with and under the care of the said John Wesley, not summoned to the said Yearly Conference, to the use and enjoyment of the said Chapels and premises so conveyed upon trust as aforesaid, and for the expulsion of unworthy and admission of new persons under his care and into his connection to be preachers and expounders as aforesaid and also of other persons upon trial for the

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like purpose. And the Deed Poll further declared that the several persons to the number of one hundred therein named being preachers and expounders of God's Holy Word under the care and in connection with the said John Wesley had been and then were members of the Yearly Conference according to the true intent and meaning of the said several gifts and conveyances wherein the words Conference of the people called Methodists are mentioned and contain and that the said several persons therein mentioned and their successors for ever to be chosen as thereinafter provided were and should for ever be construed taken and be the Conference of the people called Methodists nevertheless upon the terms and subject to the regulations thereinafter prescribed and the Conference so defined, and consisting solely of Preachers became known as the Legal Conference;

And whereas the Deed Poll provided for the assembly yearly of the Legal Conference, for the filling of vacancies, and for the maintenance of the number of Members of Conference at one hundred and other like matters and also provided that the act of the majority shall be taken to be the act of the whole Conference, and contains the following clauses as to the powers of the Legal Conference:

"Eighth: The Conference shall and may expel and put out from being a member thereof, or from being in connection therewith, or from being upon trial, any person member of the Conference or admitted into connection, or upon trial for any cause which to the Conference may seem fit or necessary and every member of the Conference so expelled and put out shall cease to be a member thereof to all intents and purposes as though he was naturally dead, and the Conference immediately after the expulsion of any member thereof as aforesaid shall elect another person to be a member of the Conference in the stead of such member so expelled:

"Ninth: The Conference shall and may admit into connection with them, or upon trial, any person or persons whom they shall approve to be Preachers and Expounders of God's Holy Word, under the care and direction of the Conference, the name of every such person or persons so admitted into connection or upon trial as aforesaid, with the time and degrees of the admission, being entered in the Journals or Minutes of the Conference:

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"Tenth: No person shall be elected a member of the Conference who hath not been admitted into connection with the Conference as a Preacher and Expounder of God's Holy Word as aforesaid for twelve months:

"Eleventh: The Conference shall not nor may nominate or appoint any person to the use and enjoyment of or to preach and expound God's Holy Word in any of the Chapels and premises so given or conveyed, or which may be given or conveyed upon the trusts aforesaid who is not either a member of the Conference or admitted into connection with the same, or upon trial as aforesaid, nor appoint any person for more than three years successively to the use and enjoyment of any Chapel and premises already given or to be given or conveyed upon the trusts aforesaid, except ordained Ministers of the Church of England:

"Twelfth: That the Conference shall and may appoint the place of holding the yearly Assembly at any other city, town, or place than London, Bristol, or Leeds, when it shall seem expedient so to do:

"Thirteenth: And for the convenience of the Chapels and premises already, or which may hereafter be given or conveyed upon the trusts aforesaid, situate in Ireland or other parts out of the Kingdom of Great Britain, the Conference shall and may, when and as often as it shall seem expedient, but not otherwise, appoint and delegate any member or members of the Conference, with all or any of the powers, privileges, and advantages hereinbefore contained or vested in the Conference, and all and every the acts admissions, expulsions, and appointments whatsoever of such member or members of the Conference so appointed and delegated as aforesaid, the same being put into writing and signed by such delegate or delegates, and entered in the Journals or Minutes of the Conference, and subscribed as after mentioned, shall be deemed, taken, and be acts, admissions, expulsions, and appointments of the Conference to all intents, constructions and purposes whatsoever from the respective times, when the same shall be done by such delegate or delegates notwithstanding anything herein contained to the contrary.

And whereas for many years the Society of the people called Methodists otherwise known as the

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Methodist Church in Ireland has had its own Conference held yearly in Dublin, Belfast, or Cork, which included the members of the Legal Conference appointed as a delegate pursuant to Clause thirteen of the Deed Poll, who alone had the power to admit, expel and appoint Preachers in connection with the Methodist Church in Ireland and deal with the matters reserved to the Legal Conference all other matters arising in Ireland being dealt with by the Conference as provided by the Constitution for the time being;

And whereas the Constitution of the Methodist Church in Ireland has been duly enrolled;

And whereas divers buildings, Chapels, Schools, Halls, messuages and dwellinghouses in various parts of Ireland are now held by trustees upon various trusts for the use of such Preachers in connection with the Methodist Church in Ireland, as the Legal Conference should from time to time appoint;

And whereas by reason of the contemplated amalgamation of the Wesleyan Methodist and other Churches in England the Legal Conference may shortly cease to exist;

And whereas it is expedient that all powers and authorities vested in and exercisable by the Legal Conference in respect of the Methodist Church in Ireland should henceforth be vested in and exercisable by the Conference of the Methodist Church in Ireland:

And whereas under the eleventh Clause of the Deed Poll it is provided that no person except ordained Ministers of the Church of England may be appointed for more than three years successively to the use and enjoyment of any Chapel, and it is expedient that such limitations of appointment should be altered as hereinafter provided;

And whereas by the Methodist Church in Ireland Act, 1915, a Body Corporate was created with perpetual succession and a Common Seal under the name of "The Trustees of the Methodist Church in Ireland" with power to hold and receive lands money or other property given conveyed or otherwise assured to them to be applied in accordance with the trusts declared in reference thereto or affecting the same and with power to act as custodian trustees of property for the time being vested in or

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belonging to the several trusts and funds connected with the Church or any of them as the Conference might direct subject to any trust charge or obligation affecting same and as far as no special trust charge or obligation should extend then upon such trusts and for such purposes as the Conference should from time to time direct:

And whereas from time to time real or personal property which has been or may be granted, assigned or devised or given subscribed or bequeathed, in trust for some purpose or charity connected with the Methodist Church in Ireland, or for the endowment use or benefit of the said Church, or of some Circuit, Chapel, Mission, Organisation, Charity, Fund, or other object connected therewith, has or may become vested in persons who are unable or unwilling to act as trustees, or who do not in fact act, or who for some other reason are unsuitable and it is desirable that in all such cases unless such persons have been specifically named by the donors testators or subscribers it should be lawful for the Conference to require that such property real or personal should be vested in or transferred to the trustees of the Methodist Church in Ireland:

And whereas it is expedient that in the case of all real or chattel real property whether hitherto transferred to them, or hereafter to be acquired by them, the Trustees of the Methodist Church in Ireland should have the fullest power, with the sanction of Conference to sell, grant, lease, mortgage, exchange, or otherwise dispose of the same and should also have power to appoint local trustees to administer any property vested in them.

And whereas in the case of certain trust property the trusts whereof have been inadequately declared it is desirable in order to secure the uniformity of the trusts that the trustees of any property should be empowered to adopt the statutory trusts as hereinafter contained;

And whereas the Conference at its Annual Meeting held at Dublin commencing on Tuesday the 14th June, 1927, and the Legal Conference at its Annual Meeting held at Bradford on the 15th day of July, 1927, have approved of the alterations and amendments proposed to be made by this Act;

And whereas the Methodist Church in Ireland, being one united Body with members and property

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throughout the whole of Ireland desires to have such purposes carried into effect by Acts of the respective Legislatures having jurisdiction; A.D. 1928.

And whereas the purposes aforesaid cannot be effected without the authority of Parliament.

MAY IT THEREFORE PLEASE YOUR MAJESTY That it may BE ENACTED AND BE IT ENACTED BY THE KING'S MOST EXCELLENT MAJESTY by and with the advice and consent of the Senate and the House of Commons of Northern Ireland in this present Parliament assembled and by the authority of the same as follows (that is to say):—

Interpretation.

1. In this Act unless there be something in the subject matter or context repugnant to such meaning: The expression "the Church" or "the Methodist Church in Ireland" means the Religious Body formed by the Union of the several Societies in Ireland of the people called Methodists in the connection established by the late Reverend John Wesley collectively known as the Wesleyan Methodist Society in Ireland with the Primitive Wesleyan Methodist Society of Ireland and such other persons and Societies as have since adhered thereto or united therewith or may hereafter adhere thereto or unite therewith.

The expression "the Conference" or "the Irish Conference" means the yearly Conference of the Church composed of Representatives in accordance with the Constitution of the Church for the time being.

The expression "the Legal Conference" means the yearly Conference of the people called Methodists established pursuant to the provisions of a certain Deed Poll executed by the late Reverend John Wesley, dated the 28th day of February, 1784, and hitherto held in Great Britain.

The expression "the Deed Poll" means the said Deed Poll.

The expression "the Constitution" means the Constitution of the Church for the time being.

The expression "Special Resolution" means a resolution of the Conference of which notice has been given

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to the Secretary thereof at the preceding Conference and which has been passed by a majority of not less than three-fourths of the members present and voting at a Meeting of the Conference in any year and confirmed as a Special Resolution by a majority of not less than three-fourths of the members present and voting at a Meeting of the Conference held in the next succeeding year, provided that not less than one-half of the total members of the Conference are present and voting.

The expression "Minister" means a preacher who is a member of the Conference, or admitted into connection therewith.

The expression "Circuit" means an area defined as such by the Conference including the Chapel or Chapels therein and constituting the charge of a Minister appointed in accordance with the Constitution as Superintendent thereof.

The expression "Superintendent Minister" means the Minister appointed in accordance with the Constitution as Superintendent of a Circuit.

The expression "the Statutory Trustees" means the Trustees of the Methodist Church in Ireland incorporated by the Methodist Church in Ireland Act, 1915.

The expression "Statutory Trusts" means the Trusts set forth in the Schedule hereto.

The vesting in and exercise by the Irish Conference of powers and authorities.

2. From and after the commencement of this Act the several powers and authorities declared by the Deed Poll or any other deed instrument or Act to be vested in or exercisable by the Legal Conference shall in relation to the Methodist Church in Ireland and the purposes thereof be vested in and exercisable solely by the Irish Conference in accordance with the Constitution; and the Deed Poll whenever referred to or incorporated shall be deemed and construed to have been modified and amended accordingly.

Constitution of the Church.

3. The Constitution of the Church is the Constitution contained in the first schedule to a certain Deed Poll dated the 12th day of December, 1927, executed in duplicate under the hand and seal of William Henry

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Smyth of Dewsbury, Earlswood Road, Belfast, M.A., President of the Methodist Church in Ireland and Vice-President of the Conference, duly enrolled in the High Court of Justice in the Irish Free State on the 14th day of December 1927, and in the High Court of Justice in Northern Ireland on the 15th day of December, 1927, and the said Constitution shall continue to be the Constitution of the Church subject to such alterations and with such amendments as may from time to time be made in manner hereinafter provided.

Amendment of Constitution.

4. It shall be lawful for the Conference from time to time to alter or amend the Constitution by Special Resolution in such manner as the Conference shall think fit. Copies of every such Special Resolution, certified by the President and the Secretary of the Conference for the time being to be true copies of a resolution duly passed and confirmed as a special resolution, shall, within three months from the confirmation thereof, be duly enrolled in like manner as the Original Constitution contained in the said Deed of the 12th day of December, 1927, and when so enrolled shall become operative as from the date of the confirmation of such Resolution as a Special Resolution.

Extension of limits of Appointments by Conference.

5. The Conference, in accordance with its Constitution for the time being, shall continue to make all appointments from year to year, but it shall be lawful for the Conference—notwithstanding anything contained in the Deed Poll or any other deed or instrument—to appoint any Minister.

(*a*) To the use and enjoyment of any Chapel or premises belonging to, or held in trust for the purposes of, the Church for five years successively or such other period as may be fixed by the Constitution for the time being.

(*b*) To any institution or department or to the use and enjoyment of any premises declared by the Conference to be used for the purpose of a Mission for any number of years successively.

Power to make Rules and Regulations for business of Conference.

6. It shall be lawful for the Conference from time to time to make, vary and revoke such rules and regulations as may be deemed expedient for the general conduct and control of its proceedings and the management by Committees or otherwise of the business entrusted to it,

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and further to appoint such and so many Committees as it may consider necessary or desirable and to delegate to such Committees all or any statutory or other powers, discretions or authorities vested in it, save such as are expressly required by this Act to be exercised by a Resolution or Special Resolution of the Conference, and any Committee so appointed shall in the exercise of the powers, discretions or authorities delegated to it conform to any rules and regulations which may from time to time be made by the Conference.

Vesting in Statutory Trustees of Property held in trust.

7. If at any time any property, real or personal, which has been or may be granted, assigned or devised or given, subscribed or bequeathed in trust for any purpose or charity connected with the Church or for the endowment, use or benefit of the Church, or of any Circuit, Church, Chapel, Mission, Organisation, Charity, Fund or other object connected therewith is not vested in trustees duly appointed by name and able and willing to act it shall be lawful for the Conference by Resolution to declare that the same shall vest in or shall be vested in or transferred to the Statutory Trustees who shall thereupon take all further steps (if any) necessary to give effect to such resolution and all other persons (if any) in whom the same is vested or who shall have the custody thereof for the time being shall convey, assign or transfer and shall hand over the same forthwith pursuant to such resolution, and the receipt of the Statutory Trustees shall be a good and sufficient discharge to the persons transferring the same in respect of the property transferred, and such property when so vested in or transferred to the Statutory Trustees shall be held by them upon the trusts affecting the same.

Power to Statutory Trustees to sell, mortgage, charge, etc., trusts of proceeds.

8. Notwithstanding anything contained in the deed or instrument under which the same is held the Statutory Trustees in respect of all property vested in them of whatsoever kind, and wheresoever situate, may exercise all or any of the powers following, that is to say the Statutory Trustees may from time to time with the sanction of the Conference sell, grant in fee farm, lease exchange or otherwise dispose of the same or any part thereof on such terms and in such manner as they think fit or mortgage any property vested in them, and may enter into, execute and do all contracts, assurances and

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things necessary or proper in that behalf and every such disposition as aforesaid may be made either absolutely in consideration of any price or in consideration of any annual rent or rents to be made payable as the Statutory Trustees direct or partly for a sum of money and partly for such rent or rents as aforesaid as the Statutory Trustees think fit and the Statutory Trustees may afterwards sell any rent so to be made payable and any such rent and the proceeds of any such disposition shall thenceforth be held upon the trusts theretofore affecting the property so disposed of.

Appointment of Local Trustees.

9. It shall be lawful for the Statutory Trustees with the sanction of the Conference from time to time to appoint by deed local Trustees to administer in accordance with the trusts thereof any property for the time being vested in the Statutory Trustees and at any time in like manner to revoke the appointment of all or any of such local Trustees and every local Trustee so appointed shall be bound to account to the Statutory Trustees.

Provision for statutory trusts and vesting of property thereon.

10. It shall be lawful for the Trustees, or for a majority not being less than three-fourths in number of the Trustees in whom at any time any Church, Chapel, Manse or other real or chattel real property is vested in trust for the Church or any charity or purpose connected therewith to execute a Deed declaring that the property so held by them shall henceforth be held upon the statutory trusts set forth in the Schedule to this Act and thereupon such property shall thenceforth be and be deemed to be held upon and with and subject to the trusts, powers and provisions declared and contained in the said Schedule instead of the trusts, powers and provisions upon and with and subject to which the same was previously held.

Evidence of proceedings.

11. A copy of any consent, approval, sanction, decision, Resolution or Special Resolution of the Conference or any Committee thereof which shall be signed by the President or Vice-President, and by the Secretary or Acting Secretary for the time being of the Conference shall be received as *prima facie* evidence of such consent approval sanction decision Resolution or Special Resolution having been duly given made or passed as the case may be and of the validity of the same in all Courts and before all Justices, Officers and persons whomsoever.

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Rights of Ministry of Finance as to Charitable Donations, etc.

12. Nothing in this Act contained shall be construed to limit or curtail the rights powers or privileges of the Ministry of Finance for Northern Ireland in relation to Charitable Donations and Bequests or, without the consent of the Ministry, to affect any property vested in or under the control of the said Ministry.

Short Title.

13. This Act may be cited as the Methodist Church in Ireland Act (Northern Ireland), 1928.

SCHEDULE REFERRED TO IN THE FOREGOING ACT.

STATUTORY TRUSTS.

Upon Trust that all and singular the lands and premises together with all buildings (if any) erected or to be erected thereon shall be used and occupied according to the nature thereof for all or any of the purposes hereafter mentioned that is to say :—

(*a*) As a Church Chapel or House of Worship or as a site for a Church Chapel or House of Worship, for the use and benefit of the Methodist Church in Ireland to the intent that the Church and the several members thereof may therein have God's Holy Word preached and expounded and all other Christian acts and ceremonies done and performed and meetings held in accordance with the usage of the Methodist Church in Ireland.

(*b*) As a Schoolroom or Schoolhouse, or as a site for a Schoolroom or Schoolhouse, to the intent that the Church may have a School or Schools or Sunday School conducted in such Schoolroom or Schoolhouse in accordance with Resolutions from time to time passed by the Conference and either subject to the exclusive control of the Conference, or subject to the Rules and Regulations of the Ministry of Education, as the Conference shall by resolution decide.

(*c*) As a Minister's residence, or as a site for a Minister's residence, to the intent that the same may be used and occupied as a residence by the Minister or Ministers appointed to the Circuit for the time being wherein such premises shall be situate or by such Supernumerary Minister or Minister on Probation as may be permitted by the Conference to reside therein rent free.

(*d*) As an Orphanage Almshouse Institution or Hall for Charitable or religious purposes, or as a site therefor, to the intent that the same may be used and occupied for the use and benefit of the Church and any Charitable purpose in connection therewith.

(*e*) As a Burial ground for the interment of members of the Church and such other persons as the Conference may permit to be buried therein in accordance with such Rules and Regulations as the Conference may make or approve.

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(f) For such purpose or purposes, being Charitable purposes, in connection with the Church for which the trust premises may have been, or may be, given or acquired, or for such other charitable purpose in connection with the Church as the Trustees or the majority of them may at any time with the sanction of the Conference determine.

Provided always that the Trustees shall permit and suffer such Minister or Minsters as shall be appointed to such Circuit from time to time in accordance with the Constitution to have and enjoy any Church Chapel or House of Worship on the said premises for the purpose of Preaching and expounding God's Holy Word and for the doing and performing of all other Christian acts and ceremonies and holding Meetings therein and shall permit and suffer any Dwelling House thereon to be enjoyed by any Minister permitted by the Conference to reside therein as a residence for himself without any interruption whatever and shall not permit him to sub-let or alienate in any way and shall permit and suffer the establishment and carrying on of any such School or Schools Orphanage Alms-house or other Institution and the holding of meetings and other functions upon the said premises for the use and benefit of the Church or any Charitable purpose in connection therewith subject to the approval and under the control of the Conference and not otherwise.

Provided further that the Trustees shall permit to be held in the said Church Chapel or place of Worship, School or other buildings only such meetings as are usually held on or in premises belonging to or held in trust for the Methodist Church in Ireland and such other Meetings as may be approved by the Superintendent Minister and by the Trustees and are not contrary to any regulation made by the Conference.

Provided however that the Trustees may permit such other person or persons duly approved or appointed by the Superintendent Minister according to the usage of the Church to preach in such premises and also such other person as may be appointed in accordance with the Constitution to fill any vacancy in the Circuit but this proviso is subject to any regulation made by the Conference.

Provided always however that no Minister or person appointed or permitted as aforesaid shall preach maintain propagate or teach therein any doctrine or practice contrary to the statement of belief contained in the Constitution for the time being.

Provided always that it shall be lawful for the Trustees in accordance with any statutory provision in that behalf and with the sanction of the Conference to transfer any school or school property to any educational authority either absolutely or for any term and with or without reserving any right of control to the Trustees or to the Conference as the Conference may sanction.

And upon further Trust from time to time to stand possessed of any income available for the purposes of the trust upon trust thereout to pay the rent rates and taxes (if any) and other outgoings lawfully payable in respect of the said property and also the costs and charges of insuring and keeping insured the said property against loss by fire or such other risks as the Trustees think proper and in repairing improving and keeping the said property in good repair and

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condition and to retain and reimburse themselves all costs charges and expenses lawfully incurred and paid by them in or about the due execution of the trusts and to pay all other proper charges and expenses in connection with the trust premises.

And upon further Trust to apply from time to time and at any time any surplus money in the hands of the Trustees which in the opinion of the Trustees may not be required for the purposes aforesaid for the furtherance of the work of the Church in the Circuit in which the trust property is situated or for such other purposes in connection with the Church as the Trustees with the sanction of the Conference may from time to time determine.

And it is hereby declared that it shall be lawful for the Trustees or the majority of them at any time with the sanction of the Conference

(*a*) To Mortgage the trust premises or any part thereof respectively to any person for securing the repayment of such sum of money as it may be necessary to raise or borrow for expenses incurred or to be incurred in the due execution of the trusts and purposes aforesaid or any of them.

(*b*) To grant in fee farm demise or let the whole or any part of the trust premises which shall not at the time be used or required for any of the purposes aforesaid for any other purpose which shall be approved or sanctioned by the Conference in such manner and upon such terms and conditions as may be agreed upon by the majority of the Trustees and sanctioned by the Conference.

(*c*) To sell and absolutely dispose of the trust premises or any part thereof freed and discharged from the trusts herein contained and in such manner and upon such terms and conditions as may be agreed upon by the majority of the Trustees and sanctioned by the Conference.

And the Trustees or the majority of them are hereby empowered to take such steps and do all such acts and things as may be necessary for carrying out any such mortgage letting sale or other disposition as aforesaid.

And the Trustees shall apply any capital money which shall arise from any such sale grant in fee farm demise or letting in or towards the discharge of incumbrances and liabilities whether personal or otherwise lawfully contracted or occasioned in the execution of the trusts hereof or with the sanction of the Conference for or towards purchasing or procuring a more eligible piece of ground and erecting or acquiring buildings and premises in Ireland to be used for all or any of the uses trusts and purposes aforesaid or such of them as shall be then subsisting or capable of taking effect, or for such other charitable purposes in connection with the Church as the Conference shall determine.

And it is hereby declared that the receipt of the majority of the Trustees shall in all cases of payment made to them or any of them as such Trustees be a full discharge to the person paying the same for all moneys therein acknowledged to have been received by any such Trustees as aforesaid, and that it shall not be incumbent upon any

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Purchaser Mortgagee or Lessee of the premises or any part thereof to inquire into necessity expediency or propriety of any Mortgage sale demise or other disposition thereof made or proposed to be made by the Trustees nor to see to or be answerable or accountable for the application loss or mis-application of the purchase or other money for which a receipt or receipts shall be so given as aforesaid. A.D. 1928.

And provided further that when any Trustee shall resign his office of Trustee or refuse or become incapable to act in the trusts or reside out of Ireland for twelve months continuously or become bankrupt or insolvent or cease to be a member of the Methodist Church in Ireland or be called upon by a resolution of the Conference to resign the office of Trustee he shall be deemed and taken to have thereby vacated his office of Trustee and when by all or any of the aforesaid ways or by death of any trustee or otherwise the number of the Trustees of any property shall be reduced below four or sooner if by the continuing trustees or the majority of them it shall be deemed advisable the said continuing trustees shall within twelve months after such reduction shall take place by deed nominate and appoint a sufficient number of persons then members of the Church as trustees of such property for the purpose of administering the aforesaid trusts. But in case such continuing trustees or the majority of them shall fail to make such appointment within the time aforesaid after the trustees of such property shall have been reduced below four in number then it shall be lawful for the Superintendent Minister of the Circuit in which the trust property is situate by deed under his hand and seal in accordance with the regulations of the Conference to appoint trustees (of whom he himself may be one) for the purposes aforesaid and to vest the trust property or cause the same to be vested in such new trustees jointly with the continuing trustees if any.

Provided always that it shall be lawful for the Trustees on the nomination of the Superintendent Minister to appoint from time to time and remove from office such and so many officers paid or unpaid as they may consider requisite and expedient to assist them in the control and management of the Trust property.

Provided always that the business of the trustees shall be transacted at Meetings of the trustees which shall be held from time to time as occasion may require and any question or matter arising shall be decided by the votes of a majority of those persons present (being a quorum) and entitled to vote. And in any case in which the consent of a majority of the Trustees for the time being is specifically required, under the provisions hereinbefore contained, to the doing of any act it shall not be necessary that a majority of the Trustees should be present at a meeting of the Trustees provided the consent in writing of a majority of the Trustees is obtained before doing such act.

And it is hereby declared that it shall be lawful for the Conference from time to time to make such rules and regulations for the holding of and conduct of the business at the Trustees Meetings as they shall think fit and from time to time to annul, amend, or alter the same and without in any way limiting the scope of the power above conferred it is hereby further declared that such rules and regulations may make provision with regard to :

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(*a*) The appointment of a Chairman of such meeting who may be a Minister who is not one of the trustees.
(*b*) Such Chairman having an original or casting vote or both.
(*c*) The number of Trustees who shall form a quorum.

And the Trustees at their meetings and in the transaction of their business shall conform to any such rules and regulations as are in existence or as the Conference may from time to time make or sanction.

Provided always and it is hereby expressly declared that nothing hereinbefore contained shall be deemed or taken to authorize the Trustees to permit or suffer the trust premises or any part thereof to be used or occupied, or to apply the income or proceeds thereof or any part thereof or permit the same to be applied, otherwise than for the advancement of religion or education or for the relief of poverty or for other purposes being charitable purposes in connection with the Methodist Church in Ireland.

In the foregoing Statutory Trusts the expression "the Trustees" shall include the continuing trustees or other the Trustees for the time being the singular shall include the plural; "person" shall include any body of persons or body corporate and the words and expressions "The Church" "The Methodist Church in Ireland" "The Conference" "The Constitution" "Minister" "Circuit" and "Superintendent Minister" shall have the same meanings respectively as in the Methodist Church in Ireland Act (Northern Ireland), 1928.

CHAPTER vi.

An Act to separate and transfer the Theological Endowments of the Methodist College, Belfast; to incorporate the Governing Bodies of the Methodist College, Belfast, and of the Edgehill Theological College, Belfast; to provide for the management and administration of the said respective Colleges, and the Endowments thereof respectively, and for other purposes.

[4th June, 1928.]

WHEREAS by Indenture (hereinafter called the Trust Deed) dated the 24th day of August, 1865, the lands and premises set out in Schedule A Part 1 hereto were acquired by Trustees for the purpose of erecting thereon a College to be called "The Wesleyan Methodist Collegiate Institution" and to be used, along with the rents issues and profits thereof, for the use benefit and advantage of the Society of People called Wesleyan

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Methodists (hereinafter called the Methodist Church in Ireland) and others for the purposes therein specified, and with and subject to the provisoes therein contained.

And whereas, in the year 1865, a College was founded under the name of "The Wesleyan Methodist Collegiate Institution" (now known as the Methodist College, Belfast) and was erected and established upon the said lands and premises, and has since been maintained extended and improved, by means of funds chiefly contributed as voluntary benefactions by members of the Methodist Church and by funds provided and set apart by the "Yearly Conference" or Governing Body of the Methodist Church in Ireland for the purposes of the College.

And whereas since the foundation of the College certain moneys, funds, securities, and property have been contributed, acquired or accumulated, and certain bequests have been made for certain special educational purposes connected with the said College, and amongst other purposes for the education and training of Divinity Students being Candidates for the Ministry of the Methodist Church, and for the education and benefit of the sons and daughters of Methodist Ministers.

And whereas from time to time certain additional property, real and personal, has been acquired for all or some of the purposes of the said College by the Governing Body thereof for the time being.

And whereas in the year 1888 a Scheme was adopted under the provisions of the Educational Endowments (Ireland) Act, 1885, (hereinafter called "the 1885 Act") for the government management and control of the College and its Endowments.

And whereas the said Scheme was pursuant to the terms thereof and under the provisions of the said 1885 Act altered and amended in the year 1908; and again in the year 1919.

And whereas by the Methodist Church in Ireland Act, 1915, a Body Corporate was created with perpetual succession and a Common Seal under the name of "The Trustees of the Methodist Church in Ireland," with power to hold and receive lands, money or other property, given, conveyed or otherwise assured to them, to be

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applied in accordance with the Trusts declared in reference thereto, or affecting the same, and with power to act as custodian trustees of property for the time being, vested in or belonging to the several trusts and funds connected with the Church or any of them as the Conference might direct, subject to any trust, charge, or obligation affecting same and as far as no special trust, charge or obligation should extend, then upon such trusts and for such purposes as the Conference should from time to time direct.

And whereas in the year 1919 the house and premises situate and known as Edgehill in Lennoxvale off University Road, Belfast, were acquired by the Governors of the Methodist College, Belfast, with a view to their use and occupation as a Theological Hall or place of residence and training for Divinity Students in the said College.

And whereas the said yearly Conference at its Sittings held in Belfast in June 1919 passed the following Resolution :—

> " The Conference considers it expedient to separate the Theological Department from the school and to establish a Theological Institution for the training of accepted candidates for the Ministry and hereby appoints a Special Committee to consider the changes in the Scheme necessary for this purpose including the allocation of Endowments and to report thereon to the Conference of 1920."

And whereas the said Special Committee was from time to time re-appointed and the said Yearly Conference at its Sittings held in Belfast in June, 1926, passed the following further Resolution :—

> " The Conference adopts the Report of the Committee appointed on the separation of the Theological Department from the Methodist College, approves of the several recommendations therein contained, and authorises the Committee to promote a Bill in the Parliament of Northern Ireland, Session 1927, for the purpose of having the said separation carried into effect, and two new Governing Bodies set up upon the general lines laid down in the Report."

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And whereas the existing Governors at the said last mentioned Sittings of the said Conference brought forward a report as to certain alterations and amendments which they considered it expedient to make in the Scheme of Management of the College and the Conference having considered the said Report passed the following Resolution with reference thereto :—

"The Conference adopts the report of the Board of Governors concerning the new scheme, and approves of the changes to be introduced."

And whereas in consequence of matters which arose on the consideration of the draft of the proposed Bill, the Committee referred to in the foregoing Resolution of the Conference did not see its way to promote same in the Session of 1927, but presented a further report to the said Yearly Conference at its sittings in Dublin, in June, 1927.

And whereas the said Yearly Conference having received the said report re-appointed the said Committee, with full Conference powers, to complete the Draft Bill and promote same in the Parliament of Northern Ireland.

And whereas the objects aforesaid cannot be effected without the authority of Parliament.

MAY IT THEREFORE PLEASE YOUR MAJESTY That it may BE ENACTED AND BE IT ENACTED BY THE KING'S MOST EXCELLENT MAJESTY by and with the advice and consent of the Senate and the House of Commons of Northern Ireland in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

PART I.—PRELIMINARY.

Act divided into Parts.

1. This Act is divided into parts as follows :—

Part I.—Preliminary.

Part II.—Incorporation of the Governors of the Methodist College, Belfast. Qualification and Election of Governors, vesting and application of Endowments, Powers and duties of the Conference, Governors and Officers of the College. Appointment of masters and other officers and servants.

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Part III.—Incorporation of the Governors of the Edgehill Theological College. Belfast. Qualification and election of Edgehill Governors. Vesting and application of Edgehill Endowments. Powers and duties of the Conference, Edgehill Governors, Officers of the Edgehill College, and Trustees of the Methodist Church in Ireland. Appointment of Principal, Tutors, and other officers and servants.

Part IV.—Miscellaneous.

Interpretation of Terms.

2. In this Act unless otherwise expressly provided or the context otherwise requires, the following terms shall be interpreted as follows:—

"The Existing Governors" shall mean the Corporate Body of the Governors of the Methodist College, Belfast, as constituted by the Scheme adopted and amended as hereinbefore recited.

"The Governors" shall mean the Governors of the Methodist College, Belfast, as hereby incorporated.

"The College" shall mean the College now known as and hereinafter called "The Methodist College, Belfast," and shall include the McArthur Hall and all buildings used for the purposes of the College which on the appointed day or at any time thereafter shall become vested in the Governors.

"The Edgehill College" shall mean the buildings hereinafter called 'The Edgehill Theological College, Belfast," and shall include all buildings used for the purposes of the Edgehill College which on the appointed day or at any time thereafter shall become vested in the Edgehill Governors or in Trustees for the purpose of the Edgehill College.

"The College Endowments" shall mean and include all the property real and personal set out in Schedule "A" hereto, and all other property real and personal which on the

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appointed day or at any time thereafter shall become vested in the Governors for all or any of the purposes of the College.

"The Edgehill Endowments" shall mean and include all the property real and personal set out in Schedule "B" hereto, and all other property real and personal which on the appointed day or at any time thereafter shall become vested in or held in trust for the Edgehill Governors for all or any of the purposes of the Edgehill College.

"University Education" shall mean education in such subjects as may for the time being be prescribed for any Matriculation or other University examination, or for any prize scholarship, exhibition, or bursary, in any University.

"Secondary Education" shall mean and include Education in such subjects as may for the time being be included in the course or courses provided for the Secondary School Certificate Examinations or any other similar Examination, and may also include instruction and training in such other subjects and courses theoretical and practical as may to the Governors seem expedient for the advancement of the purposes of the College.

"Elementary Education" shall mean and include Education in such subjects as may to the Governors seem expedient for the advancement of the purposes of the College.

"The Conference" shall mean the annual assembly or Yearly Conference of the Methodist Church in Ireland composed of Ministers and Lay Representatives in accordance with the constitution thereof for the time being defined by the Laws and constitution of the said Conference or other the supreme authority for the time being of the Methodist Church in Ireland and shall include any authority duly empowered to represent or act for the Conference in that behalf.

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"The Statutory Trustees" shall mean the Trustees of the Methodist Church in Ireland, appointed under the Methodist Church in Ireland Act, 1915.

"The Appointed Day" shall mean the 31st July, 1928.

PART II.

INCORPORATION OF THE GOVERNORS OF THE METHODIST COLLEGE, BELFAST. QUALIFICATION AND ELECTION OF GOVERNORS, VESTING AND APPLICATION OF ENDOWMENTS. POWERS AND DUTIES OF THE CONFERENCE, GOVERNORS AND OFFICERS OF THE COLLEGE. APPOINTMENT OF MASTERS AND OTHER OFFICERS AND SERVANTS.

Governing Body.

3. From and after the appointed day a Governing Body shall be formed for the management of the College in manner following:—

The Body of Governors shall, subject as hereinafter mentioned, consist of three ex-officio Governors and of eighteen elected Governors who shall be appointed by the Conference as hereinafter provided and shall hold office for three years.

The following persons shall be ex-officio Governors of the College:—

The President of the Methodist Church in Ireland; The Secretary of the Conference; The Ministerial Treasurer of the Children's Fund of the Methodist Church in Ireland, all for the time being.

As and from the appointed day "The Governors" shall constitute and the same are by virtue of this Act constituted a Body Corporate by the name of "The Governors of the Methodist College, Belfast," with perpetual succession and a Common Seal and with power to acquire receive hold and apply property real and personal for all or any of the purposes of the College.

Qualification of Governors.

4. Only Ministers in connection with the Methodist Church in Ireland and persons who shall profess themselves members of such Church shall be eligible for the office of Governor.

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Election of Governors by Conference.

5. The Conference shall at the yearly meeting to be held in the year 1928, elect eighteen duly qualified persons to be Governors of the Methodist College, Belfast. At every succeeding yearly meeting of the Conference one-third of the elected Governors shall retire from Office. As between elected Governors who have been in office an equal length of time the elected Governors to retire, in default of agreement between them, shall be determined by the person presiding at the said Conference. Each retiring elected Governor shall be eligible for re-election provided that during the twelve months previous to his retirement he shall have attended at least two meetings of the Governors or of a Committee of the Governors appointed to act for not less than twelve months, or one meeting of the Governors and one meeting of any such Committee.

Casual Vacancies.

6. Whenever any elected member shall die, or resign by writing under his hand, or become Bankrupt, or refuse to act or become incapable of acting, or shall permanently cease to reside in Ireland, or shall cease to profess himself a member of the Methodist Church, or shall during the twelve months ending on the first day of June in any year have failed to attend as in section five of this Act mentioned, or being at the time of his appointment a Minister in connection with the said Church shall cease to be or to be recognised as a Minister in connection therewith, his office shall thereupon become vacant, and the fact of every such vacancy with the cause thereof shall be recorded in the Minutes of the Governors, and shall be by them reported to the Conference at its next yearly meeting.

Co-Option of Governors.

7. Whenever the number of elected members shall from any cause be reduced below eighteen the remaining Governors for the time being shall co-opt such and so many duly qualified persons to be Governors as may be required to make up the number of eighteen elected Governors, but every Governor so co-opted shall hold office only for the unexpired residue of the term of three years for which the elected Governor to whose place he has been co-opted was elected.

Vesting of Endowments

8. On and from the appointed day and subject to the provisions of Part II of this Act the endowments

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specified in Schedule A hereto shall be and the same are by virtue of this Act transferred to and vested in the Governors, subject to all such charges rights, easements and liabilities and to all such trusts and conditions as may lawfully affect the same or any part thereof.

Transfer of Endowments

9. On and from the appointed day all property, securities, muniments of title, books, documents, goods chattels, debts and monies held by or by any person for or in trust for, or payable to the College or the Governors or the existing Governors shall be delivered, transferred and paid by the person or persons possessed thereof or bound to pay or apply the same as aforesaid to the Governors, whose receipt for any transfer, delivery or payment, executed or signed as hereinafter provided, shall be a good discharge for the person or persons making the same and he or they shall not be answerable for the application thereof.

Purposes of College and Endowments

10. From and after the appointed day, subject to the conditions and provisions herein contained, and to any special trusts lawfully affecting the same or any part thereof respectively, the Endowments shall be held and applied by the Governors upon and for the following trusts and purposes (hereinbefore and hereinafter in this Act called "The purposes of the College"):—

(*a*) To maintain the College for the use, benefit and advantage of the members of the Methodist Church and others.

(*b*) To make provisions for the education therein of students, in the manner and subject to the conditions and provisions herein prescribed.

(*c*) With the previous sanction of the Conference to apply or expend any part of the Endowments as occasion shall require, for the purpose of adding to, improving, repairing or beautifying the College and premises occupied therewith or otherwise for the benefit of the same or in building upon, laying out, or otherwise permanently improving the College and premises in such manner as the Governors shall deem to be advantageous or profitable.

(*d*) To apply Endowments held under any special trusts according to the terms of such trusts.

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Removal.

11. With the previous sanction of the Conference the Governors may, if and when they shall so think fit, remove the college to some other convenient site or sites in or near the City of Belfast, and upon any such removal the vacated buildings and premises may be sold, let, or otherwise disposed of to the best advantage. The Governors may also from time to time purchase, erect, take upon lease, or otherwise acquire, upon such terms as they shall think most advantageous, all such other or additional land and buildings as they shall deem necessary for all or any of the purposes of the College, and shall have the like power of selling, letting or disposing of all or any part of such additional land and buildings.

Investments.

12. The Governors may at any time sell any of the Endowments and may invest the proceeds thereof and any residue of income not required in any year for the purposes of the College in any stocks, funds or securities authorised by Section 7 of the Methodist Church in Ireland Act, 1915, or by any Statute for the time being in force in Northern Ireland, or in the purchase of other land or buildings to be used for the purposes of the College, and may from time to time vary such investments, and may from time to time resort to the accumulations of any previous year, and apply the same to the purposes of the College. Notwithstanding anything herein contained, the Governors may from time to time, so long as they shall think it expedient to do so, permit all or any of the Endowments to remain, and may retain any stocks funds or securities, which may be given or transferred to them, in their existing state of investment, whether such investment be hereinbefore authorised or not.

Application of the Endowments

13. All monies received by the Governors under or for the purposes of the College, shall subject to the other provisions herein contained, and to any special trusts or conditions upon which any part thereof may be held, received, or set apart, be expended and applied by them for the following purposes, or for such and so many of them as to the Governors shall seem expedient :—

(*a*) To maintain the buildings of the College, and all furniture and appliances belonging thereto, in good repair and suitable condition, and adequately insured from loss or damage by fire, and to make such additions thereto and im-

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provements therein, and to do all such other acts in and upon the same, as shall by the Governors be deemed necessary or proper for maintaining and keeping the College and premises in a fit, proper and efficient state for effectuating the purposes of the College.

(*b*) To pay all rent, taxes, costs of insurance, and other charges, expenses and outgoings necessarily or properly payable out of or for the College or the Endowments, and to defray the necessary working expenses, and the cost of management of the same.

(*c*) To provide and afford, subject to such fees, charges, terms and conditions as may from time to time be fixed by the Governors, board and residence with instructions in the principles of the Christian religion, and in such subjects of a general and liberal education, and in such languages, arts, sciences and subjects as to the Governors may from time to time seem expedient to and for such and so many sons and daughters of Ministers of the Methodist Church, as may from time to time be elected or designated for such purpose by the Conference, and to apply for the benefit of such pupils, or towards the cost of their education and maintenance, such funds as may from time to time be provided by the Conference or otherwise for that purpose.

(*d*) To provide by means of a University Department, a Secondary Department, and an Elementary Department of the College University, Secondary, and Elementary Education respectively, at such fees, charges and terms, with or without board or residence, and on such conditions and subject to such Rules and Regulations as may from time to time be fixed by the Governors for each Department for such students and pupils as may from time to time be approved of by the Governors.

(*e*) To provide in all or any of the said Departments such special instruction and training as they may deem suitable for students or pupils preparing for professional, commercial or tech-

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nical pursuits, or for competitive or other examinations.

(*f*) To provide and maintain in or for the College a suitable and sufficient library, museum and laboratories, and all such other appliances and things as they may deem necessary for efficiently carrying out all or any of the purposes of the College, including lands buildings and appliances for recreation purposes and for physical training and exercise.

Ministers' Daughters' Endowments

14. The real and personal property set out and specified in the Schedule A, hereto (Part II (*b*) under the heading "Ministers' Daughters' Endowment Fund") and all such other property, real and personal, as may have been or from time to time may be hereafter appropriated, for the education or benefit of the Methodist Ministers' daughters who shall be students or pupils of the College, shall be set apart for and applied to the education and benefit of such Ministers' daughters, and shall be administered as a separate fund to be called the Ministers' Daughters' Endowment Fund, and the income or annual produce thereof and all annual contributions thereto shall be applied for the education and benefit of such Ministers' Daughters in accordance with any special trusts or directions for the time being lawfully affecting the same.

Religious Instruction.

15. All students or pupils of the College who shall reside in the College for all or any of the purposes aforesaid, shall there, and during their residence therein, receive religious instruction from the teachers thereof from time to time appointed by the Governors to give such instruction.

Place of Worship.

16. If and whenever sufficient funds shall have been provided, for the purpose the Governors may, with the previous sanction of the Conference set apart a sufficient quantity of the lands included in the Endowments, and adjacent to the College as a site for the erection of a suitable and convenient place for Divine Worship, in connection with the Methodist Church for the use of the members of the said Church resident in the College, and others.

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Scholarships, Exhibitions, and Prizes.

17. The Governors whenever it shall seem to them proper and expedient, shall and may determine upon scholarships and exhibitions to be founded in connection with the College and provided out of the endowments, and such scholarships and exhibitions shall be tenable either at the College or at any University or other place of academical, professional or technical education or training. The Governors shall and may also from time to time determine upon such prizes as it shall appear to them proper and expedient to provide out of the current income of the College or out of any funds specially applicable for the purpose. The Governors shall also (subject only to any special trusts or conditions lawfully affecting the same) determine and prescribe the conditions of, and the course of study and examinations for, and the arrangements to be made concerning all or any scholarships, exhibitions or prizes which before the appointed day shall have been or thereafter may be founded or provided at or in connection with the College, as aforesaid, or from any special funds endowments or other sources.

Fees and Charges.

18. The Governors shall and may from time to time regulate for each Department of the College the entrance fees and the fees and other charges for board, residence and education, and all such other fees, charges and payments as shall appear proper to the Governors to be charged or paid, including any special fees, charges or payments for the sons and daughters of Ministers of the Methodist Church in Ireland, and any special fees, charges or payments for such sons and daughters of such Ministers as may from time to time be designated by the Conference.

19. The admission and reception of students and pupils into the McArthur Hall shall from time to time be regulated by the Governors, and such provision shall be made for the reception of Ministers' daughters free of charge or at such reduced or special charges as the Governors shall from time to time appoint.

Appointment of Officers.

20. The Governors shall from time to time determine the qualifications and duties of and appoint the Principal of the College the Warden of the McArthur Hall, and all other Teachers, male and female, the Bursar, and all other officers, agents, and servants whom they shall think it necessary or expedient to engage or employ in or

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about the College, or for the efficient conduct of the affairs thereof, or for the management of the Endowments or otherwise howsoever; and the Governors may from time to time remove every or any person so appointed for such cause as the Governors shall deem adequate without notice or on reasonable notice or on such notice as may have been agreed on, not exceeding in any case six months' notice, or on payment of a reasonable sum in lieu of notice. The Governors shall and may from time to time fix the remuneration to be paid and the allowances to be made to all persons appointed by them, and pay and make the same respectively, Provided always that no appointment of the Principal of the College shall be final until the same shall have been submitted to and approved by the Conference.

Principal of the College.

21. Subject to the provisions of Part II of this Act and to the authority of the Governors, and subject to such rules and regulations as from time to time shall or may be made by the Governors as hereinafter provided as to the duties, powers and authority of the Principal, the Principal shall have the sole administration and control of the College.

Chaplain of the College.

22. The Governors shall in each and every year, preparatory to the yearly meeting of the Conference, nominate a Minister of the Methodist Church in Ireland, for appointment by the Conference as Chaplain of the College, provided that the Conference shall not be bound to accept the nomination of the Governors, and may appoint any other Minister of the Methodist Church in Ireland in the stead of the person so nominated as Chaplain. The person so appointed by the Conference shall act as the Chaplain of the College, and shall have the direction of all religious instructions given therein, without prejudice, however, to the discipline and administration of the College, and subject to the control of the Governors, and to the provisions of Part II of this Act.

Treasurer of the College.

23. The Governors shall appoint one or two of their number to be Treasurer, or Honorary Treasurer, or joint Honorary Treasurers of the College, or appoint a Treasurer and Honorary Treasurer to act jointly, upon such terms and conditions, and upon giving such security as the Governors shall determine, and whenever any Treasurer

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or Honorary Treasurer for the time being shall die, or resign, or refuse to act, or become incapable of acting, or shall be suspended or dismissed during any current year, the Governors shall at their next meeting appoint one of their number to fill the vacancy thereby created until the next annual meeting. The term "The Treasurer" wherever occurring in this Act shall, subject to the context mean and include the Treasurer or The Honorary Treasurer or Treasurers, or the Treasurer and Honorary Treasurers acting jointly, as the case may be, for the time being. The Treasurer shall present a statement of receipts and expenditure and the audited balance sheet and auditor's report to the Governors at their annual meeting, and he or they shall be *ex-officio* member or members of the Standing Committee, or other Committee having charge or supervision of finance, and shall present to such Committee at each meeting a statement of the receipts and expenditure since the previous meeting and an estimate and particulars of the amounts required to defray current outgoings with the cheques required for the payment thereof, such statement, estimate, and cheques to be prepared by the Bursar by the direction and under the supervision of the Treasurer. There shall be furnished to the Ministry of Finance in Northern Ireland, within one month after the holding of such annual meeting, an abstract of such audited accounts.

Bursar of the College.

24. The Bursar appointed by the Governors shall have the following duties:—

(*a*) To collect and receive all rents, income, and profits payable to the Governors, or out of the Endowments, and all fees and charges payable by the students and pupils and others residing in or attending at the College, and all subscriptions given, or in any way made payable to the Governors, or for the benefit of the College, and all other profits, emoluments, and advantages in any way accruing to the Governors or to the College, and to give a printed and numbered receipt in such form as the Governors shall prescribe for each and every sum of money received by him as such Bursar, which receipt so given shall be a sufficient discharge by the Governors for the sum specified therein.

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(*b*) To lodge, as soon as conveniently may be after the receipt of any such moneys, and once at least in every week (excepting during the period of any leave granted to him by the Governors) all such moneys to the credit of the College, and upon account thereof, in the Belfast Bank or such other Bank as the Governors shall from time to time appoint.

(*c*) To receive from the Governors and disburse on their account such sum or sums of money as the Governors may at any time, or from time to time think proper to place in his hands towards meeting petty expenses.

(*d*) To keep under the direction of the Governors and supervision of the Treasurer proper books of account in the manner from time to time prescribed by the Governors, and to have the same audited by the Auditor or Auditors nominated by the Governors and approved of by the Conference at the time or times directed by them, the cost of such audit to be paid by the Governors out of the income of the Endowments.

(*e*) To perform such other duties as the Governors may from time to time prescribe.

Meetings, Quorum, Chairman and Honorary Officers.

25. The Governors shall meet for the purpose of transacting the business of the College once at least in each and every month during the year except during vacation, on a stated day, and in a room in the College to be set apart for that purpose, or at such other convenient place as they may from time to time determine. They shall also meet at such other times and places as the business of the College may from time to time require. Any five of the Governors shall form a quorum ; and all matters and questions shall be determined by the majority of the Governors present. The Governors shall annually, at their meeting to be held next after the annual meeting of the Conference, elect from their own number a Chairman of the Board who shall hold office up to and including the meeting of the Governors to be held immediately before the next ensuing annual meeting of the said Conference, and who shall, when present, preside at all meetings of the Governors to be held during his term of office, and shall during the said term be an ex-officio member of all Committees of the Board. In case of the absence of the

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Chairman from any Board Meeting, the Governors present shall elect from among themselves a Chairman to preside over that meeting. In every case of equality of votes at a Board or Committee meeting, the Chairman of the meeting shall have a second or casting vote. The Governors may appoint, from their own number, an Honorary Secretary or Secretaries and such other Honorary Officers as they shall from time to time think fit. Notice of every meeting shall be given to each Governor two clear days at least, or such other time as the Governors may direct, before each meeting. The Chairman of the Board or any five other Governors may at any time summon a special meeting, giving notice to each Governor seven clear days at the least before such meeting, specifying in such notice the object thereof. Every meeting may adjourn for the completion of its business to such time as the Governors present may appoint. The Governors present at any subsequent meeting duly held shall have power from time to time to alter, vary, or rescind any resolution or direction of any previous meeting, with respect to which notice of the intention of altering, varying, or rescinding the same shall have been given to all the Governors at least seven clear days previously. Notices of meetings and other notices to the Governors may be given by leaving the same at or sending the same by post addressed to the last known place of abode in Ireland of the Governors respectively.

Minutes, Books and documents.

26. Every Governor, not being an ex-officio Governor, shall at or before the first meeting which he attends, sign a declaration in a book to be kept for that purpose, of his acceptance of the office of Governor, and until he has signed such declaration he shall not be entitled to act as a Governor. Minute books shall be kept by the Governors, in which the names of the Governors attending, and minutes of all their proceedings shall be duly entered. All deeds and other writings sealed with the common seal and signed by the Chairman of any meeting and two other Governors present thereat shall be deemed to be validly executed on behalf of the Governors.

Committees.

27. The Governors may from time to time appoint a Committee or Committees to carry into execution any

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orders, rules, or directions of the Governors with respect to the purposes of this Act, or to conduct and discharge any business of the College which the Governors may deem it expedient to depute or refer to such Committee or Committees. The Governors may fix the quorum define the duties and powers, and regulate the proceedings of every Committee as they may think fit.

General Management, Bye-Laws and Regulations.

28. Subject to the provisions of this Act, the Governors shall have and exercise general supervision and control over the College and the Endowments; they shall determine the various subjects of education to be taught in the several departments thereof; they shall fix the terms, vacations and times of study and recreation; and from time to time direct, order and appoint all such acts, matters and thing whatsoever as may appear to them necessary, proper, or expedient for the due management government, and conduct of the College, or for its proper maintenance and support, or for the maintenance, education, health, comfort, order and discipline of the students, pupils, and others residing or engaged in or attending at the College. The Governors shall from time to time (subject to the provisions of Clause 34 of this Act) make and promulgate such bye-laws and regulations for the good government and management of the College, and of the several departments thereof, and for specifying and defining the powers and duties of the Principal, and of the other Teachers and Officers thereof, and for their guidance, direction and conduct, and for otherwise effectuating the purposes of Part II of this Act, as to them from time to time shall appear necessary, proper, or expedient. Provided that no such bye-law or regulation shall be inconsistent with Part II of this Act, and that the same may be repealed, altered, and amended by the Governors as they may from time to time think fit.

Management of the Estates.

29. The Governors shall from time to time make such arrangements as they shall deem expedient for the custody of all deeds and documents belonging to the Endowments, for the management of the estates and property vested in them, and for keeping proper maps and records of holdings and tenancies.

Powers of Leasing and Letting.

30.—(*a*) The Governors shall have and may exercise without the consent of any other person or of the

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Court all the powers of leasing conferred on a tenant for life by the Settled Land Acts, 1882-1890, subject to the Regulations contained in the said Acts (save such consent as aforesaid) respecting such Leases and to such additional or other covenants as the Governors may think proper.

Power to sell mortgage or charge.

(*b*) The Governors may also make such leases or Grants with or without a premium or fine as they may be authorised by the Conference or the Committee thereof, which is described as the Sub-Committee of Management, to make, and with the previous sanction of the Conference or the said Committee, may sell, mortgage, or charge any of the Endowments, provided that all money received upon any such sale, mortgage or charge, shall be applied as part of the capital of the Endowments and accounted for accordingly, and provided always that no such lease or agreement or contract for the same, and no sale, mortgage, or charge shall be valid or binding, unless the same shall have been approved of at a Meeting of the Governors by a resolution carried by a majority consisting of 5 at least and every Conveyance, lease or other document necessary for the exercise of the powers conferred on the Governors by this Section shall be executed at a Meeting of the Governors in manner provided by Section 26 of this Act.

Receipt Clause.

31. The receipt or receipts of the Bursar for the time being for any rent or rents reserved upon any such lease or letting as aforesaid and for any other income of the Endowments, and the receipt or receipts of the Governors, duly executed in manner provided for in Section 30 of this Act, or signed by at least two Governors, or signed by one Governor and the Principal of the College and countersigned by the Treasurer, or one of the Treasurers, or by the Chairman of the Board, for any fine, premium, purchase money or mortgage money, and for any other part of the capital of the Endowments, shall be a sufficient and effectual discharge for the money in such receipt or receipts respectively acknowledged to be received, and the person or persons paying such money on such receipt, his, her, or their executors, heirs, administrators, or assigns, shall not afterwards be answerable for any loss, misapplication, or non-application, or be concerned to see to the application thereof.

Indemnity.

32. Each Governor (and his heirs, executors, administrators and assigns) shall be charged and chargeable

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only for such moneys as he shall actually receive by virtue of the trusts hereby in him reposed and for his own acts neglects and defaults and shall not be answerable or accountable for the acts, receipts, neglects, or defaults of any other Governor or Governors. He shall not be answerable or accountable for any treasurer, banker, broker, or other person by or with whom, or in whose hands any money shall be secured or deposited or lodged, pursuant to the provisions of Part II of this Act, nor for any loss or damage which may happen in the execution of the aforesaid trusts, or in relation thereto, except the same shall happen by or through his own wilful default.

Vested Interests.

33. Every individual who at the appointed day shall hold any office, place, employment, pension, compensation, allowance or emolument under or arising out of the Endowments, shall continue to hold and be entitled to receive the same from the Governors, upon the same terms and in the same manner in every respect as he or she held and was entitled to receive the same at the appointed day, and every such individual shall remain bound to perform the same and all like duties for the Governors, so long as his or her employment shall continue, as he or she would have been bound to perform for his or her existing employers if this Act had not passed; and his or her employment may be determined by the Governors in the same manner as the existing Governors might have determined such employment if this Act had not passed.

Powers of Visitation and Amendment by Conference.

34. It shall be lawful for the Conference at any time to take the management of the College and of the Endowments either wholly or partially into consideration, and for that purpose if thought expedient to appoint a visitor or visitors or such Committee or Committees as the Conference shall think fit, and to vary alter or rescind all or any of the Bye-Laws and regulations theretofore at any time made or promulgated by the Governors and to direct the removal or abatement of any abuse connected with the management of the College or Endowments or otherwise and to rectify or remove any just cause of complaint or dissension existing therein or with reference thereto. The Conference may, with the approval of the Ministry of Finance for Northern Ireland, from time to time at any yearly meeting, subject to the restrictions hereinafter

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mentioned, by Deed under the hand and seal of the person for the time being presiding at such Conference attested by three or more members of the said Conference present at such yearly meeting, alter, vary or annul any of the administrative provisions of Part II of this Act or any provisions relating to the numbers qualification tenure of office or mode of election of the Governors of the College and enact and declare other clauses and provisions in the place and stead of those so altered varied or annulled, or in addition to those in Part II of this Act contained. Save as hereinbefore provided every act, matter or thing which the Conference is by this Act authorised or empowered to do or sanction may be done or sanctioned by resolution of the yearly meeting of the Conference and may be evidenced and attested by writing under the hand of the Secretary for the time being of the Methodist Church in Ireland.

Amendment by Ministry of Finance.

35. Part II of this Act, so far as it relates to the trusts and purposes of the College and Endowments and the application of the Endowments, may be altered from time to time by the Ministry of Finance for Northern Ireland, acting in its capacity as Commissioners of Charitable Donations and Bequests in Northern Ireland, upon the application of the Governors, made with the previous sanction of the Conference, but except upon such application no alteration shall be made in the Trusts and Purposes of the College and Endowments.

PART III.

INCORPORATION OF THE GOVERNORS OF THE EDGEHILL THEOLOGICAL COLLEGE, BELFAST, QUALIFICATION AND ELECTION OF EDGEHILL GOVERNORS, VESTING AND APPLICATION OF EDGEHILL ENDOWMENTS. POWERS AND DUTIES OF THE CONFERENCE, EDGEHILL GOVERNORS, OFFICERS OF THE EDGEHILL COLLEGE AND TRUSTEES OF THE METHODIST CHURCH IN IRELAND. APPOINTMENT OF PRINCIPAL, TUTORS AND OTHER OFFICERS AND SERVANTS.

36. From and after the appointed day a Governing Body shall be formed for the management of the Edgehill College in manner following:—

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Governing Body.

The Body of Edgehill Governors shall consist of the ex-officio Governors hereinafter mentioned, and of eighteen elected Governors who shall be appointed by the Conference as hereinafter provided and shall hold office for three years.

The following persons shall be ex-officio Governors of the Edgehill College:—The President and Secretary of the Methodist Church in Ireland, the Senior Secretary of the Board of Examiners appointed by the Conference for the examination of Probationers and Candidates for the Ministry of the said Church, and the Principal of the Edgehill College.

Constitution as Body Corporate.

37. As and from the appointed day "The Edgehill Governors" shall constitute and the same are by virtue of this Act constituted a Body Corporate by the name of "The Governors of the Edgehill Theological College, Belfast," with perpetual succession and a Common Seal and with power to acquire receive hold and apply property real and personal for all or any of the purposes of the Edgehill College.

Transfer and Vesting of Endowments.

38. As and from the appointed day and subject to the provisions of Part III of this Act the Edgehill Endowments (save and except the property specifically mentioned in Section 39 of this Act) specified in Schedule B. hereto shall be and the same are by virtue of this Act transferred to and vested in the Edgehill Governors, subject to all such charges, rights, easements and liabilities and to all such trusts and conditions as may lawfully affect the same or any part thereof.

Vesting of Edgehill Premises in the Trustees of the Methodist Church in Ireland.

39.—(1) The Edgehill College and the grounds and premises appurtenant thereto (being the premises set forth and described in Schedule B., Part I, to this Act) shall on and from the appointed day become and be vested in the Trustees of the Methodist Church in Ireland (being the Body Corporate constituted, empowered, and incorporated by the Methodist Church in Ireland Act, 1915) for all the estate and interest of the existing Governors therein, subject to all such charges, rights, easements, and liabilities as may lawfully affect the same or any part thereof, upon Trust to permit and suffer the Edgehill Governors to use and occupy same or

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any premises which may be substituted therefor or added thereto in pursuance of Section 11 of this Act, as applied and modified by Section 44 of this Act, for the purposes of the Edgehill College as defined in this Act, and with, under and subject to the performance and fulfilment by the Edgehill Governors of the powers, conditions and liabilities contained in or imposed by this Act in relation to the Edgehill Endowments.

(2)—(*a*) In case the Edgehill premises, or any other premises substituted therefor or added thereto, under the provisions of Section 11 of this Act, as applied and modified by Section 44 of this Act, shall cease to be used for the purposes of the Edgehill College, then such premises or any part thereof, if required for the purposes of the Methodist College or other Methodist purposes, may be taken over at a valuation, or if not so required, the premises or the part thereof not so required, shall be sold, and the proceeds of sale or amount of valuation shall be divided pro rata (subject to the approval of the Conference) between the Methodist College and the Theological Endowment Fund in proportion to their respective interests.

(*b*) Such division shall be made upon the basis that the interest of the Methodist College is the sum of £9,500 expended out of its general endowments upon the acquisition and improvement of the premises, and that all capital expenditure upon the premises from 1st July, 1925, shall constitute the interest of the Theological Endowments.

(*c*) Any proportion of the amount of valuation or proceeds of sale received by the Governors of the Methodist College shall be held and applied in Trust for the education of sons and daughters of Ministers of the Methodist Church in Ireland.

(3)—(*a*) The Edgehill Governors shall be bound to furnish a report to the Trustees of the Methodist Church in Ireland once or oftener in each year, at such time or times as the Trustees of the Methodist Church in Ireland may reasonably require, and dealing with all such matters and things as the Trustees of the Methodist Church in Ireland are legally bound to safeguard.

(*b*) In addition to any other matters or things required to be dealt with therein, such report shall set out in detail all expenditure claimed to be of a capital

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nature within the meaning of sub-section (2) (*b*) of this section, and made since the date of the last preceding report (or in the case of the first report since the 1st day in July, 1925), and shall be supported by vouchers, and it shall be the duty of the Trustees of the Methodist Church in Ireland to determine how much of such expenditure is Capital Expenditure, within the meaning of the said sub-section, and such determination when entered in the minutes of Trustees of the Methodist Church in Ireland shall be final and conclusive.

40. On and from the appointed day all property (except as in the last preceding Section mentioned) securities, muniments of title, books, documents, goods, chattels, debts and moneys held by any person for or in trust for or payable to the Edgehill Governors or for the purposes of the Edgehill College shall be delivered, transferred and paid by the person or persons possessed thereof or bound to pay or apply the same as aforesaid to the Edgehill Governors whose receipt for any transfer, delivery, or payment made or executed as hereinafter provided shall be a good discharge for the person or persons making or executing the same and he or they shall not be answerable for the application thereof.

Purposes of the Edgehill College and its Endowments.

41. From and after the appointed day, subject to the conditions and provisions herein contained, and to any special trusts lawfully affecting the same or any part thereof respectively, the Edgehill Endowments shall be held and applied by the Edgehill Governors upon and for the following trusts and purposes (hereinbefore and hereinafter in this Act called "The Purposes of the Edgehill College"):—

(*a*) To maintain the Edgehill College for the purpose of the Theological and General Education of Candidates and Probationers for the Ministry of the Methodist Church in Ireland.

(*b*) So long as the Edgehill College is maintained for the purpose aforesaid, to permit the said College to be used for the Board Residence and Education of such other Students as may be approved by the Edgehill Governors.

(*c*) With the previous sanction of the Conference to apply or expend any part of the Edgehill Endowments as occasion shall require, for the

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purpose of adding to, improving, repairing or beautifying the Edgehill College and premises occupied therewith, or otherwise for the benefit of the same, or in building upon, laying out, or otherwise permanently improving the Edgehill College and premises in such manner as the Governors shall deem to be advantageous or profitable.

(*d*) To apply Edgehill Endowments held upon any special trusts according to the terms of such trusts.

Application of the Edgehill Endowments

42. All moneys received by the Edgehill Governors under or for the purposes of the Edgehill College, shall, subject to the other provisions herein contained, and to any special trusts or conditions upon which any part thereof may be held, received, or set apart, be expended and applied by them for the following purposes, or for such and so many of them as the Edgehill Governors shall deem expedient.

(*a*) To maintain the buildings of the Edgehill College, and all furniture and appliances belonging thereto, in good repair and suitable condition, and adequately insured from loss or damage by fire, and to make such additions thereto and improvements therein, and to do all such other acts in and about the same, as shall by the Edgehill Governors be deemed necessary or proper for maintaining and keeping the Edgehill College and premises in a fit, proper, and efficient state for effectuating the purposes of the Edgehill College.

(*b*) To pay all rent, taxes, costs of insurance, and other charges, expenses and outgoings necessarily or properly payable out of or for the college or the Endowments, and to defray the necessary working expenses, and the cost of management of the same.

(*c*) To provide, at such fees, charges, and terms with or without board or residence and on such conditions and subject to such Rules and Regulations as may from time to time be fixed by the Edgehill Governors, Theological and Ministerial Instruction and training in such subjects and according to such course and

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system of education as to the Edgehill Governors (subject to the approval of the Conference) may from time to time seem expedient to and for such Divinity Students being candidates for the Ministry of the Methodist Church as may from time to time be elected or designated for such purpose by the Conference, and for such other Students as may from time to time be approved of by the Edgehill Governors.

(*d*) To provide and maintain in or for the Edgehill College a suitable and sufficient library, and suitable and sufficient land, buildings, and appliances for the purposes of recreation or physical training and exercise and all such other appliances and things as they may deem necessary for efficiently carrying out all or any of the purposes of the Edgehill College.

Appointment of Principal.

43.—(1) The Principal of the Edgehill College shall be a Minister in connection with the Methodist Church in Ireland. His remuneration and allowances, and the conditions of his appointment shall be determined from time to time by the Edgehill Governors. The appointment of the Principal shall be made by the Conference. He shall hold his office for the term of one year, and his appointment or re-appointment shall be made by the Conference in accordance with its rules and regulations for such appointments. Should the Principal die, resign, be suspended or dismissed during the course of the year, the Edgehill Governors shall, if they think proper, nominate to the President of the Methodist Church in Ireland some other fit, proper and qualified person for appointment to act in his stead until the ensuing Conference. If and whenever any Principal of the Edgehill College shall cease to be a Minister in connection with the Methodist Church he shall thereupon vacate his office and a vacancy shall thereupon be considered to have occurred in such office in the same manner as if the Principal had then died.

Appointment of Clerical Tutors.

(2) Any Tutor who shall be a Minister of the Methodist Church shall be appointed and re-appointed in like manner and subject to the same conditions as the Principal.

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44. Sections 4, 5, 6, 7, 11, 12, 15, 17, 18, 20 (as modified by section 42 of this Act), 21 and 23 to 35 (both inclusive) of Part II of this Act shall apply to Part III of this Act with the following modifications:—

"The Governors" shall mean "the Edgehill Governors."

"The College" shall mean "the Edgehill College."

"The Endowments" shall mean "the Edgehill Endowments."

"The purposes of the College" shall mean "the purposes of the Edgehill College."

"Part II of this Act" shall mean "Part III of this Act."

PART IV.

MISCELLANEOUS.

Costs of Act.

45. The taxed costs and expenses of and other outgoings incidental to the promotion of this Act, shall be borne and paid by the Governors of the Methodist College and the Edgehill Governors in equal shares, as also shall the expenses of the procuring of printed copies of this Act, and of the final audit and transfer of endowments.

Liabilities of existing Governors.

46. Immediately after the date of this Act the existing Governors shall proceed to pay and discharge out of the moneys in their hands all the salaries, outgoings, and liabilities due or payable by them up to the appointed day, and shall prepare a final account of all their receipts and disbursements, and submit the same for audit to the Ministry of Education for Northern Ireland or to some other competent authority to be appointed or approved by the existing Governors. Upon such audit the net cash balances remaining in the hands of the existing Governors, or of their treasurer or bankers, or of any other person on their account, shall be ascertained and certified, and thereupon the same and all securities and all other property real and personal held by the existing Governors shall be forthwith transferred or paid to the Governors and Edgehill Governors respectively as in this Act is hereinbefore provided, and thereupon the existing Governors shall be discharged from all further responsibility for or in respect of the Endowments or the Trusts affecting the same. All debts and other sums then

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accruing or payable to or recoverable by the existing Governors in respect of the Endowments and Edgehill Endowments shall thereupon and thenceforth accrue and become payable to and recoverable by the Governors and Edgehill Governors respectively and all sums then payable by and recoverable from the existing Governors in respect of the Endowments and Edgehill Endowments shall be thereupon and thenceforth payable by and recoverable from the Governors and Edgehill Governors respectively. The Governors and Edgehill Governors shall thenceforth be bound by and shall carry out all contracts and engagements with reference to the Endowments and Edgehill Endowments respectively which at the appointed day shall be binding upon the existing Governors in the same manner as if the same had been entered into by the Governors or the Edgehill Governors.

Dissolution of existing Governors.

47. As and from the appointed day the existing Governors shall cease to be a Body Corporate, and the Scheme framed under the Educational Endowments (Ireland) Act, 1885, as amended, shall cease to have effect.

Short title.

48. This Act may be cited as THE Methodist College ACT (NORTHERN IRELAND), 1928.

SCHEDULE A.

In the foregoing Act referred to.

ENDOWMENTS OF THE METHODIST COLLEGE, BELFAST.

PART I.

Lands occupied by the College.

(A) THE COLLEGE, McARTHUR HALL AND COLLEGE GARDEN PREMISES.

ALL THAT and those the lands, messuages, or dwelling houses, tenements and hereditaments, formerly known as Vermont, situate in the Parish of Shankill, Upper half Barony of Belfast and County of Antrim, containing by survey 14a. 3r. 10p. statute measure, or thereabouts, formerly bounded on the north by property belonging to Edward Harris Clarke, on the south side by property belonging to George Tate, on the east by the Old Malone Road from Lisburn to Belfast, and on the west by the new Lisburn Road, with all houses, outhouses, buildings, yards, gardens, closes and enclosures, and pieces or parcels of land therewith used, held and occupied, and also all rights, liberties, privileges and appurtenances to the said premises or any of them belonging or in anywise appertaining or therewith held,

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used or enjoyed, were by Indenture dated April 1st, 1864, between Margaret Black Harrison, of the first part, Martha Jane Burnett of the second part, and James Carlisle of the third part, demised for lives renewable for ever, and were by Indenture dated August 16th, 1864, between Martha Hull of the one part, and the said James Carlisle of the other part, granted in fee-farm for ever to the said James Carlisle, in trust for the College, subject to the yearly rent of £311 10s. 0d., and to the covenants and conditions therein contained and on the Grantee's part to be observed and performed; by a further Indenture dated August 24th, 1865, between the said James Carlisle of the first part, the Rev. John Dwyer of the second part, and the Rev. William Parker Applebe, LL.D., and others of the third part, the said premises were conveyed to Trustees for the College, subject to a covenant and condition at all times to keep indemnified the said James Carlisle, his heirs, executors, and administrators from the said rent, covenants and conditions.

(B) THE WELLESLEY AVENUE PREMISES.

ALL AND SINGULAR the three dwelling-houses known as Wellesley Avenue, held under Fee Farm Grant dated the 6th January, 1879, subject to the yearly Fee Farm Rent of £9 14s. 0d., and which premises were in said Indenture described as "ALL THAT AND THOSE, that piece or parcel of ground on which "three houses with the appurtenances have recently been erected, "situate on the north-east side of Wellesley Avenue, measuring in front "to said Avenue fifty-five feet five inches, or thereabouts, and in depth "from front to rere, on the west side, forty-five feet six inches or there-"abouts, and on the east side, forty-seven feet, or thereabouts, and in "breadth, along the rere, fifty-five feet five inches, or thereabouts, "BOUNDED on the north-west by ground the property of the said "Henry Tate, and on the north-east side by ground the property of the "Trustees of the Methodist College, and on the south-east by other "property of the said Andw. Dempster Gibson; as said parcel of ground "and premises hereinbefore expressed to be hereby granted are more "particularly described in the plan thereof, drawn on these presents "together with a right of way for the said James Bennett, his heirs and "assigns, and his and their undertenants, in common with other tenants "of the said Andrew Dempster Gibson, in, over and through the "passage at the rere, shewn on the plan hereon, and the right of user "of the sewer or sewers constructed in the said passage which said "dwelling houses, parcel of ground, tenements and premises are situate "in the town of Belfast, Parish of Belfast, Barony of Upper Belfast and "County of Antrim; and all the estate right, title and interest of the "said Andrew Dempster Gibson therein and thereto, and all ways, "rights, members privileges and appurtenances thereto, belonging or "therewith usually held, occupied or enjoyed"; which said premises are now situate in the City and County of the City of Belfast. And which premises were by Indenture dated the 6th October, 1915, conveyed by Robert McDougall to the Governors of the Methodist College.

(C) PLAYING FIELDS AT DERAMORE.

Under Agreement dated 24th December, 1917, and Supplemental Agreement dated 16th January, 1923, made respectively between the Right Honourable Robert Wilfred, Baron Deramore, of the one part,

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and the Governors of the Methodist College, Belfast, of the other part, and under a proposal, in writing, dated the 28th day of November, 1927, and signed by the Agent to the said Baron Deramore, the Governors are in occupation of lands in the townland of Lower Malone, in the County Borough or County of the City of Belfast, containing in all 8 acres 1 rood 3 perches, as more particularly described on the map annexed to said original Agreement, under an Agreement for a Lease for a term of five years, from 1st November, 1927, and thereafter from year to year, subject to six months notice, in writing, on either side, subject to the yearly rent of £69, and to the terms and conditions contained in said Agreement and Supplemental Agreement.

(D) PLAYING FIELDS AT LAGANVALE, BELFAST.

By Agreement dated 27th October, 1925, and made between the Laganvale Estate Brick & Terracotta Works, Ltd., of the one part, and the Governors of the Methodist College, Belfast, of the other part. The Governors are in occupation for Club purposes only, and not by way of a tenancy, of portion of the lands of Laganvale, Belfast, and County Borough of Belfast, containing 2 acres and 2 roods, or thereabouts, for a period of three years from 1st May, 1925, subject to the yearly rent of £45, payable half-yearly, and to the terms and conditions of the said Agreement.

(E) PLAYING FIELDS AT GALWALLY.

By Agreement dated 30th June, 1925, made between the Executors of the late John Martin and the Governors of the Methodist College. The Governors are in occupation, as tenants, of land opposite Galwally Villas, containing 6 acres or thereabouts, for three seasons, from 1st September, 1925, and thereafter subject to six months notice, at the rent of £40 per annum, payable half-yearly, and subject to the conditions of the said Agreement.

(F) THE EDGEHILL PREMISES.

Under Clause 39 of the Act the Governors of the Methodist College, Belfast, have a reversionary interest in a proportionate part of the value or proceeds of the Edgehill College Premises as described in Part I. of Schedule B to this Act, in case the same shall cease to be used for the purpose of the Edgehill College.

PART II.

(A)

METHODIST COLLEGE ENDOWMENTS.

General Endowment Fund				£15156	19 9
McArthur Hall Endowment Fund ..				13615	8 6
Ministers' Daughters Scholarship ..				3873	4 5
General Scholarships and Prizes ..				8451	10 1
Downey Bequest				3801	18 1
Cash Balances-General Endowment Fund	£3907	19	4		
Ministers' Daughters Scholarship ..	350	3	0		
General Scholarships and Prizes ..	1767	6	6		
Ministers' Daughters Endowment Fund	280	9	9		
				6305	18 7
				£51168	19 5

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INVESTMENTS TRANSFERRED.

Belfast Harbour Bonds 3½%	£22	19	4	
Brookfield Linen Co., Ltd.	375	0	0	
Cape of Good Hope 3½% Stock ..	985	0	6	
Cape of Good Hope 4% Stock ..	2500	0	0	
Capt. A. C. Browne 5½% Mortgage ..	2100	0	0	
Belfast Water Commissioners' 6½% Mortgage	1056	17	6	
New Zealand 4% Stock	4337	2	2	
Belfast Corporation 6½% Mortgage Stock	1068	12	6	
Robinson & Cleaver Ltd. 4% Debenture	294	2	6	
Lynn Memorial 5% Mortgage ..	1000	0	0	
Rev. W. Witherow 5½% Mortgage ..	1000	0	0	
Ground Rents, College Gardens ..	3078	0	7	
Houses, College Gardens	7829	17	1	
Houses, Wellesley Avenue	850	0	0	
McArthur Hall, Furnishing and Outfit	3035	1	5	
Technical Buildings and Outfit ..	2499	13	10	
Cash in Bank (investment suspense) ..	5827	18	1	
Site and Buildings	17485	16	5	
	55346	1	11	
Less Cash to be handed over	4177	2	6	
				£51168 19 5

PART II.

(B)

Ministers' Daughters Endowment Fund £6438 10 11

INVESTMENTS TRANSFERRED.

Cash in Bank (Investments suspense) .. 6438 10 11

SCHEDULE B.

In the foregoing Act referred to.

ENDOWMENTS OF THE EDGEHILL THEOLOGICAL COLLEGE, BELFAST.

PART I.

Lands Occupied by the Edgehill Theological College.

By Indenture of Conveyance dated the 28th March, 1919, and made between Sir Charles Henry Brett and Ernest James Travers of the one part and The Governors of the Methodist College of the other part the premises therein described as—

FIRST—ALL THAT AND THOSE the hereditaments and Premises comprised in and granted by an Indenture of Fee Farm Grant of the 28th August, 1890, and made between John Riddell Musgrave of the one part and Margaret Black of the other part, were granted unto and to the use of the said Margaret Black, her heirs and assigns for ever, subject to the yearly rent of £50, and which premises were in said Indenture of Fee Farm Grant described as :—

" ALL THAT parcel of ground situate in Lennoxvale in the City " of Belfast, Parish of Shankill, otherwise Belfast Barony of Upper " Belfast and County of Antrim, BOUNDED on the east partly by

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"a small part of Lennoxvale Avenue still to be constructed, which "Avenue was made by the Grantor through their lands of Lennox- "vale, and partly by other lands of the Grantors granted to John "Ward; on the south by lands of William Murphy Grimshaw now in "the occupation of Daniel Dixon as tenant; on the west by the lands "of Sans Souci now in the occupation of Jonathan Joshua Pim; and "on the north partly by Lennoxvale Avenue and partly by other lands "of the Grantors granted to the Grantee by Indenture of even date "herewith, which said parcel of land hereby granted contains in "length in front on the east side to be part of Lennoxvale Avenue "not yet constructed thirty feet or thereabouts, and extends along "the southern end of the said part of Lennoxvale Avenue thirty feet "or thereabouts, and extends thence in front to said lands granted to "John Ward; in a southerly direction one hundred and ninety two "feet or thereabouts, and contains in length on the south side one "hundred and seventy two feet or thereabouts; and in length on the "west side two hundred and twenty eight feet or thereabouts; and in "length on the north side fronting the lands of the Grantors granted "to the Grantee by Indenture of even date herewith two hundred and "twenty one feet or thereabouts be all or any of the said admeasure- "ments more or less, and which said parcel of ground is delineated on "the map or ground plan thereof traced on these presents and thereon "surrounded with a red line. Together with liberty to and for the "Grantee her heirs and assigns and her and their tenants being the "occupiers for the time being of the hereby granted premises for all "purposes and at all times to pass and repass with or without horses, "carts, waggons and other carriages laden or unladen along and over "the entire of the said Avenue (and which Avenue commences at the "County Road, which leads from Belfast to Lisburn, and extends in "length from the said County Road to the Northern point of the "Eastern boundary of the hereby granted premises nine hundred and "fifty one feet six inches or thereabouts, and is intended to extend "thence along the eastern boundary of the said hereby granted "premises thirty feet or thereabouts). Together with the house and "other edifices and buildings and other appurtenances belonging or "in anywise appertaining to the said premises hereinbefore expressed "to be hereby granted," which said premises are now situate in the County of the City and County Borough of Belfast.

By Indenture of Conveyance, dated the 16th May, 1892, and made between the said Margaret Black of the one part and John Ward of the other part the said Margaret Black as beneficial Owner conveyed unto to the said John Ward ALL THAT piece or parcel of ground (portion of the premises comprised in the said recited Indenture of Fee Farm Grant of the 28th August, 1890) containing by admeasurement five perches statute measure or thereabouts indemnified against the said rent of £50 reserved by said Indenture of Fee Farm Grant.

SECONDLY—ALL THAT AND THOSE the hereditaments and premises comprised in and granted by Indenture of Conveyance of the 28th August, 1890, and made between John Riddell Musgrave and James Musgrave of the one part and the said Margaret Black of the other part, and which premises were therein described as :—

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"ALL THAT piece or parcel of ground containing in front to the "Avenue called Lennoxvale Avenue constructed by the Grantors "through their lands of Lennoxvale one hundred and ninety three feet "or thereabouts, extending backwards on the south two hundred and "twenty one feet or thereabouts, containing along the west side thereof "one hundred and eight feet or thereabouts, and extending backwards "on the north side thereof two hundred and forty six feet or therea- "bouts be all or any of the said several admeasurements more or less "BOUNDED on the east by Lennoxvale Avenue aforesaid, on the "south by other lands of the Grantors granted to the Grantee by "Indenture of even date herewith, on the west by the lands of Sans "Souci now in the occupation of Jonathan Joshua Pim, on the north "by other lands of the Grantors now in the occupation of Julius "Lowenthal, which said piece or parcel of ground hereinbefore "expressed to be hereby granted and conveyed is situated in the City "of Belfast, Parish of Shankill, otherwise Belfast Upper half Barony of "Belfast and County of Antrim, and is delineated on the map or ground "plan thereof traced on these presents and therein surrounded by a "red line. Together with liberty to and for the Grantee, her heirs "and assigns, and her and their tenants, being the occupiers for the "time being of the hereby granted premises for all purposes and at all "times to pass and repass with or without horses, carts, waggons and "other carriages laden or unladen along and over the entire of the "said Avenue (and which Avenue commences at the County Road "which leads from Belfast to Lisburn and extends in length from the "said County Road to the southern point of the Eastern boundary of "the hereby granted premises nine hundred and fifty one feet six "inches or thereabouts, and is intended to extend thence along the "eastern boundary of the said premises granted to the Grantee by "Indenture of even date herewith thirty feet or thereabout). To- "gether with the house and other edifices and buildings and other "appurtenances belonging or in anywise appertaining to the said "premises hereinbefore expressed to be hereby granted," which said premises are now situate in the County of the City and County Borough of Belfast, and which premises were conveyed unto and to the use of the said Margaret Black for ever subject to the payment of the yearly rent of forty pounds.

THIRDLY—ALL THAT AND THOSE the hereditaments and premises comprised in and granted by the Indenture of Fee Farm Grant, dated the 6th day of May, 1892, and made between Elias Hughes Bell and Joseph Bell of the one part and the said Margaret Black of the other part, and which premises were therein described as :—

"ALL THAT parcel of land forming part of the lands known as "Sans Souci situated in the Townland of Lower Malone within the "City of Belfast, Parish of Shankill, Upper Half Barony of Belfast in "the County of Antrim, containing one acre and one perch, statute "measure or thereabouts, bounded on the north and north-east by "premises in the possession of the Grantee known as Edgehill, on th "east by premises in the possession of Mrs. John Ward, on the southe "by premises in the possession of Mr. John Scott, and on the west by "other parts of the lands known as Sans Souci and now in the "possession of Mr. Jonathan Joshua Pim, and as the same are more

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"particularly delineated and described in the map thereof hereon "endorsed and thereon coloured 'red,'" which said premises are now situate in the County of the City and County Borough of Belfast, and which premises were subject to the payment of the yearly ground rent of Twenty pounds.

By Indenture of Conveyance dated the 20th August, 1919, made between Joseph Bell and Elias Bell Purdon of the one part and the Governors of the Methodist College of the other part, the said perpetual yearly Fee Farm rent of Twenty pounds reserved by the said Indenture of Fee Farm Grant of the 6th May, 1892, was conveyed to the Governors together with the benefit and subject to the covenants on the part of the Grantors and Grantee respectively and conditions in the said recited Indenture of Fee Farm Grant contained.

The above premises known as "Edgehill" are subject to the said two yearly Fee Farm rents of Fifty pounds and Forty pounds respectively, the aforesaid rent of Twenty pounds having been purchased by the Governors of the Methodist College.

Under the provisions of Section 39 of the Act the above premises are vested in the Trustees of the Methodist Church in Ireland upon trust to permit and suffer the Edgehill Governors to use and occupy same for the purposes of the Edgehill College as defined in the Act upon the terms and conditions in the said Section set forth.

PART II.

THEOLOGICAL ENDOWMENTS.

Theological Endowment Fund ..		£21585	4 1
Theological Scholarships—			
Fowler Scholarship Fund ..	£1000 0 0		
Pollaid ,, ,, ..	1004 19 7		
Wisdom ,, ,, ..	420 8 10		
Mercier ,, ,, ..	600 0 0		
		3025	8 5
Cash Balances—			
General Fund	215 15 10		
Mercier Scholarship Fund ..	531 11 0		
		747	6 10
		£25357	19 4

INVESTMENTS TRANSFERRED.

York Street Flax Spinning Co., Ltd., 4½% Debs.	£335 1 8	
Mrs. Jane A. P. & B. Stafford 5½% Mortgage	1000 0 0	
Treasury Bonds 5½%	485 0 0	
Belfast Water Commissioners 3½% Stock	568 18 0	
Belfast Corporation 3½% Stock ..	203 11 6	
Belfast Harbour 3½%	1089 12 8	
Capt. A. C. Browne 5½% Mortgage ..	2200 0 0	
Robinson & Cleaver, Ltd., 4% Debentures	298 13 0	
Mrs. M'Clean 5% Mortgage ..	12000 0 0	
Mrs. Glover 5% Mortgage	3000 0 0	
Cash to be handed over	4177 2 6	
	£25357	19 4

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CHAPTER vii.

An Act to confirm a Provisional Order of the Ministry of Home Affairs relating to the Urban District of Dromore. [4th June, 1928.]

WHEREAS the Ministry of Home Affairs has made the Provisional Order set out in the schedule hereto under the provisions of the Public Health (Ireland) Act, 1878:

And whereas it is requisite that the said Order should be confirmed by Parliament:

Be it therefore enacted by the King's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

Order in schedule confirmed.

1. The Order set out in the schedule hereto shall be and the same is hereby confirmed and all the provisions thereof shall have full validity and force.

Short title.

2. This Act may be cited as the Ministry of Home Affairs Provisional Order Confirmation (Dromore Waterworks) Act (Northern Ireland), 1928.

SCHEDULE.

URBAN DISTRICT OF DROMORE.

Dromore Waterworks Order.

Provisional Order to enable the Council of the Urban District of Dromore to put in force the compulsory clauses of the Lands Clauses Acts.

WHEREAS the Council of the Urban District of Dromore (in this Order referred to as "the district council") require to purchase and take the lands water and rights described in the Schedule hereto for the purpose of providing a supply of water for the said Urban District:

41 & 42 Vict., c. 52.

Now therefore the Ministry of Home Affairs for Northern Ireland in pursuance of the powers vested in it by section two hundred and three of the Public Health (Ireland) Act, 1878, and of all other powers enabling

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the said Ministry in that behalf hereby orders that from and after the date of the Act of Parliament confirming this Order the following provisions shall have effect, that is to say :—

1. The district council shall be empowered to put in force with reference to the lands water and rights described in the Schedule hereto the powers of the Lands Clauses Acts as amended by section eight of the Public Health (Ireland) Act, 1896, and modified by the Acquisition of Land (Assessment of Compensation) Act, 1919, with respect to the purchase and taking of lands otherwise than by agreement or any of them.

59 & 60 Vict. c. 54.
9 & 10 Geo. 5, c. 57.

2. For the purpose of this Order the expression "land" in the Lands Clauses Acts shall include the lands water and rights described in the Schedule hereto.

3. The costs and expenses of the district council and the Ministry of Home Affairs for Northern Ireland incurred in respect of the application for preparation making and confirmation of this Order shall be paid by the district council as part of their expenses under the Public Health (Ireland) Acts, 1878 to 1918.

4. This Order may be cited as the Dromore Waterworks Order, 1928.

The SCHEDULE above referred to.

COUNTY OF DOWN.
Rural District of BANBRIDGE.
LANDS WATER AND RIGHTS.

No. of plot on deposited plan.	Description of Property.	Area of Land proposed to be taken.	Owners or reputed Owners.	Occupiers.
	TOWNLAND OF DREE—DISTRICT ELECTORAL DIVISION OF CROSSGAR.			
1, 2 & 3.	Grazing lands, and all waters arising in, or flowing through under or over, the said lands.	A. R. P. 0 1 5	Rt. Hon. Charles Edward Baron Trevor.	Patrick Darby.
	TOWNLAND OF DRUMBRONETH—DISTRICT ELECTORAL DIVISION OF DROMORE.			
1 & 2	Orchard and Garden (site of Old Fort) and all waters arising in, or flowing through under or over, the said lands.	0 1 13	Ministry of Finance. Scott Barr.	Scott Barr.

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INTERCEPTION OF WATERS.

Waters arising in or flowing through under or over the lands hereinbefore described in this Schedule and flowing to certain mills or factories on or adjacent to the River Lagan which are reputed or alleged to be owned or occupied by the following persons to be intercepted, namely :—

Mrs. A. E. Simpson, Drumbroneth, Dromore ;
Messrs : Albert E. Dodd, Woodford, Dromara ;
William Johnston, Kinallen, Dromara ;
Samuel John Creighton, Lappoges, Dromore ;
Daniel Mussen, Ballyvicknacally, Dromore ;
Robert Harte, Dromara ;
Hamilton M'Bride & Co., Ltd., Dromore ;
Howard Nelson, Otter Lodge, Dromore ;
Murphy & Stevenson, Dromore ;
William Jardine & Co., Dromore ;
Charles Baxter, J.P., Dromore ;
William Liddell & Co., Ltd., Donacloney ;
Thomas J. Taylor, Coolsallagh, Dromore ;
Henry Dale, Monree, Donacloney ;
John A. Woods, 7 Bedford Street, Belfast, and John Malcomson, 3 Market Street, Lurgan (Trustees of T.B. Brown, deceased) ;
Johnston & Spence, Milltown Bleachworks, Donacloney, Lurgan.

Given under the Seal of the Ministry of Home Affairs for Northern Ireland this twenty-third day of April, 1928.

L. S.

D. L. CLARKE,
Assistant Secretary.

CHAPTER viii.

An Act for incorporating and conferring powers on the Antrim Electricity Supply Company and for other purposes. [18th December, 1928].

Preamble.

WHEREAS the supply of electricity within the area defined by this Act would be of public and local benefit.

And whereas the provision of such supply would be facilitated by the construction of works (as by this Act authorised) for enabling electricity to be generated

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at the generating station in this Act described by means of hydraulic power derived from the waters of the River Bann and its tributaries and from Lough Beg and Lough Neagh.

And whereas the persons in this Act named with others are willing at their own expense to undertake the construction of such generating station and works and the provision of such supply of electricity and it is expedient that they be incorporated into a Company (hereinafter called "the Company") and that powers be conferred on them for the purposes aforesaid and generally for carrying out the objects and provisions of this Act.

And whereas it is expedient that provisions be enacted for enabling the Company and local authorities companies and other persons to make contracts and agreements for the supply of electricity in bulk or otherwise and for other purposes.

And whereas the maintenance of the Lower Bann as a navigable river for the purposes of through navigation past Carnroe Weir would prevent the most economical user of the waters of that River for the generation of Electricity and it would be in the public interest for the proper functioning of the works as by this Act authorised to interrupt the through navigation of the River Bann at Carnroe Weir and to modify or repeal the rights, powers and obligations of the Lower Bann Navigation Trustees and of other bodies or persons if any having rights powers and obligations in connection with the navigation of the said River in so far as through navigation is concerned.

And whereas the Belfast and North East Ireland Electricity and Power Gas Company have not commenced their works for the purpose of carrying out their powers under the Belfast and North East Ireland Electricity and Power Gas Act 1904 and it is expedient that the powers for the supply of electricity conferred by the said Act should be repealed in respect of the Company's area of supply.

And whereas it is expedient that the other powers mentioned in this Act be conferred on the Company and that such other provisions be made as are in this Act contained.

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And whereas plans and sections showing the lines situations and levels of the several works authorised by this Act and describing the lands and other property to be taken or used for the purposes of this Act with a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of those lands and property have been deposited with the Clerks of the Peace for the counties of Antrim and Londonderry and are hereinafter respectively referred to as the deposited plans sections and book of reference.

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

MAY IT THEREFORE PLEASE YOUR MAJESTY That it may be enacted AND BE IT ENACTED by the KING'S MOST EXCELLENT MAJESTY and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled and by the authority of the same as follows:—

PART I.—PRELIMINARY.

Short Title.

1. This Act may be cited as the Antrim Electricity Supply Act (Northern Ireland), 1928.

Division of Act into Parts.

2. This Act is divided into parts as follows:—

Part I.—Preliminary.
Part II.—Incorporation of Company, Capital etc.
Part III.—Administrative provisions.
Part IV.—Works, Lands, etc.
Part V.—Supply of Electricity.
Part VI.—Protective Provisions.
Part VII.—Miscellaneous.

Application of Electricity (Supply) Acts.

3. This Act shall be deemed a Special Act within the meaning of the principal Acts as hereinafter defined and the Company shall be deemed to be a Power Company within the meaning of the Electricity (Supply) Act 1919 and the principal Acts shall apply to the Company and their undertaking accordingly subject as follows:—

(*a*) Sections two and three of the Electric Lighting Act, 1888 and Section fifteen of the Electric Lighting Act 1909 shall not apply to the Company or their undertaking.

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(*b*) The provisions of the Schedule to the Electric Lighting (Clauses) Act 1899 which are excepted from incorporation with this Act (as hereinafter mentioned) shall not apply to the Company or their undertaking.

Incorporation of Acts.

4. The following enactments (so far as the same are applicable for the purposes of and are not inconsistent with or varied by the provisions of this Act) are incorporated with and form part of this Act, that is to say :—

The Companies Clauses Consolidation Act 1845 except the provisions with respect to the conversion of the borrowed money into capital ;

Part I. (Cancellation and Surrender of Shares), Part II. Sections thirteen and fifteen (relating to Preference Shares and Stock) and Part III. (Debenture Stock) of the Companies Clauses Act 1863 as amended by subsequent Acts ;

The Lands Clauses Acts ;

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and expressions in those provisions referring to the centre of the railway shall mean the centre lines of the specified works as hereinafter defined ;

The Schedule to the Electric Lighting (Clauses) Act 1899 as modified by Section eighty four thereof and by subsequent Acts, but except Sections two, three, five, seven, eight, nine, twenty-one to thirty-seven, forty-one, forty-eight, sixty, sixty-three to sixty-eight, seventy-five, seventy-eight and eighty-three and for the purposes of this Act the expression "the Undertakers" in the provisions of the said Schedule incorporated herewith shall mean the Company.

Interpretation.

5. In this Act the several words terms and expressions to which by the principal Acts or the Acts wholly or partially incorporated herewith meanings are assigned shall have the same respective meanings unless varied by this Act or unless there be something in the subject or context repugnant to that construction, and

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"the Company" means the Company incorporated by this Act:

"the area of supply" means the area defined in the section of this Act of which the marginal note is "Area of Supply":

"the undertaking" means the undertaking authorised by this Act:

"the specified works" means the works described in the section of this Act of which the marginal note is "Works":

"the Act of 1899" means the Electric Lighting (Clauses) Act, 1899:

"the principal Acts" means the Electricity (Supply) Acts 1882 to 1919 and the Schedule to the Act of 1899:

"the Electricity Commissioners" means the Electricity Commissioners for Northern Ireland:

"authorised distributors" means any local authority company body or person authorised by Statute Licence or Order having the force of a Statute to supply electricity within any part of the area of supply:

"authorised undertakers" means authorised distributors and any authority authorised by any general or special Statute Licence or Order having the force of a Statute to undertake or contract for the lighting of streets bridges or public places within any part of the area of supply:

"local authority" has the meaning given to that expression in the Electric Lighting Act, 1882:

"road authority" means the authority constituted under the Local Government (Ireland) Act, 1898, and Acts amending the same and having jurisdiction in the district in which the street road footpath or other public right of way in relation to which the expression is used is situate:

"the tribunal" means the arbitrator jury or other authority to whom any question of disputed purchase money or compensation under this Act or the Acts incorporated therewith is referred.

In this Act and in the Acts wholly or partly incorporated with this Act for the purposes of this Act the word "lands" has the meaning given to that word by the Lands Clauses Consolidation Act 1845 and includes

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also any estate or interest in land, and any right of water, right of fishing, right of way, or easement.

PART II.—INCORPORATION OF COMPANY, CAPITAL, ETC.

Company Incorporated

6. Francis Adens Heron, D.L., John James Heron, George Petrides, Frank Percivall Borman, Eustace Stanley Dashwood, and all other persons who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a Company for the purposes hereinafter mentioned and for those purposes shall be and are hereby incorporated by the name of "the Antrim Electricity Supply Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act and with all the other powers and privileges of a body corporate.

General purposes and powers of Company.

7. The Company shall be established for the purpose of producing and generating electricity by hydraulic power steam or other means, processes or methods and by all or any of them and distributing supplying and using electricity and abstracting diverting and using water for furthering such production and generation and of constructing, erecting, laying down, maintaining, working and using electricity generating stations and hydraulic works, dynamos, weirs, dams, sluices, reservoirs, water channels, turbines, machinery, plant, mains, pipes, and other works for the said purposes or any of them and generally for the purpose of carrying out the powers and purposes of this Act and the Company may subject to the provisions of this Act construct erect lay down maintain work and use such stations and works and produce generate use transform transmit distribute and supply electricity and abstract divert and use water accordingly. The powers of the Company shall also include the acquisition construction maintenance working and user or discontinuance sale letting and disposal of all such land easements buildings works machinery plant materials and apparatus and the exercise of such powers and the construction and doing of such works and things as may be necessary or convenient in for or in connection

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with or may arise or be used in the production generation use transformation transmission distribution and supply of electricity and all necessary powers for providing or working materials matters and things for those purposes or any of them or for otherwise carrying on the undertaking.

Domicile of Company.

8. The domicile of the Company for the purposes of any judicial proceedings relating to the undertaking or to the execution of any of the powers contained in this Act shall be deemed to be Northern Ireland and the register of debentures debenture stock and ordinary and preference shares or stock shall be kept at an office in Northern Ireland.

Capital.

9.—(1) The capital of the Company shall be four hundred thousand pounds but may from time to time be increased to such extent up to but not exceeding six hundred thousand pounds as may be authorised by a Special Order made by the Electricity Commissioners and confirmed by the Ministry of Commerce in accordance with the provisions of the principal Acts and the Company are hereby authorised to make application for and the Commissioners to make and the Ministry to confirm such Orders accordingly. Provided that a Special Order made in pursuance of the powers conferred by this section shall be laid before each House of Parliament and shall not come into force unless and until approved either with or without modifications by a resolution passed by each such House.

(2) Any capital which the Company are by this section or may from time to time by any such Order be authorised to raise may be raised by the Company by the creation and issue at their option of shares or stock either ordinary or preference and either of one class with like privileges or of several classes and with different privileges and of the same or different amounts and respectively with any fixed fluctuating contingent preferential perpetual terminable deferred or other dividend or interest or wholly or partially by one or more of those modes respectively. Provided that the aggregate nominal amount of the preference capital issued by the Company shall not at any time exceed the aggregate nominal amount of the ordinary capital of the Company for the time being

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issued. Provided also that the Company shall not issue any share of less nominal value than one pound nor shall any share vest in the person accepting the same unless and until a sum not being less than one-fifth of the amount of such share shall have been paid in respect thereof.

Limit of Dividend on Preference Capital.

10. The rate of dividend on any capital to which a preferential dividend is attached shall be such rate (not exceeding eight per centum per annum) as may be prescribed by the resolution creating the capital.

Power to borrow.

11. In addition to the capital which may be raised by the Company under Section nine of this Act or under any such Order as is referred to therein the Company may raise for the purposes of this Act by borrowing on mortgage of the undertaking or by the creation and issue of debentures or debenture stock or by any one or more of those modes any sum or sums not exceeding in the whole one and a half times the nominal amount of the capital for the time being issued by the Company and paid up under the provisions of the said Section of this Act.

For appointment of a Receiver.

12. The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the aggregate amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds.

As to debenture stock.

13. Any debenture stock to be created and issued by the Company under the powers of this Act shall be created and issued subject to the provisions of Part III. of the Companies Clauses Act 1863, but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages or debentures at any times created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of the next succeeding Section of this Act and the provisions of any subsequent Act rank pari passu (without respect to the dates of the securities or of the Acts or resolutions by which the stock mortgages and debentures were authorised) and shall have priority over all principal

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moneys secured by such mortgages and debentures. Notice of the effect of this enactment shall be endorsed on all mortgages debentures and certificates of debenture stock other than prior lien debentures or debenture stock.

Power to issue prior lien debentures or debenture stock

14.—(1) Notwithstanding anything in this Act or in the Acts incorporated therewith the Company may (subject to the provisions of Sub-Section (2) of this Section) create and issue any debentures or debenture stock (which the Company are entitled to create and issue under the powers of this Act) as prior lien debentures or debenture stock which shall both as to principal and interest be a first charge (in priority to any mortgages or any other debentures or debenture stock already granted or issued or to be granted or issued by the Company and to the interest on such mortgages debentures or debenture stock) upon the general undertaking of the Company. Provided that such charge shall not operate as a charge on superfluous land of the Company when sold or affect any specific charge of such lands.

Subject as aforesaid the prior lien debentures or debenture stock may be issued on such terms and at such date or dates and in such manner as the directors may at the time of issue determine.

(2) No prior lien debentures or debenture stock shall be created and issued under this Section unless the creation and issue thereof has been approved either—

(*a*) In writing by holders of not less than three-fourths of the aggregate nominal value of each class of the then existing mortgages, debentures and debenture stock (other than any existing prior lien debentures and debenture stock) granted or issued by the Company, or

(*b*) by a resolution passed at a meeting of the holders of each such class of existing mortgages, debentures and debenture stock and approved by holders present in person or by proxy at the meeting and holding not less than three-fourths of the total nominal value of so much of such mortgages, debentures or debenture stock other than as aforesaid as is represented at the meeting. In order to constitute such meeting for this purpose there shall be present either in person or by proxy holders of not less than

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one-half of the aggregate nominal value of such mortgages, debentures or debenture stock granted or issued by the Company.

(3)—(*a*) A meeting of holders of mortgages, debentures and debenture stock for the purposes of this Section shall be convened in manner prescribed by the Companies Clauses Consolidation Act 1845 for the holding of extraordinary general meetings of shareholders and at any such meeting any holder of such mortgages, debentures and debenture stock may vote in person or by proxy.

(*b*) The provisions of Sections seventy-six, seventy-seven and seventy-nine of the Companies Clauses Consolidation Act 1845 (as amended or modified by the Companies Clauses Consolidation Act 1888 and by Section thirty-five of this Act) and the provisions of Section thirty-six of this Act so far as those Sections relate to the appointment of proxies and voting by proxy and votes of joint shareholders shall apply to the appointment of proxies by the holders of such existing mortgages, debentures or debenture stock and to voting by such proxies and voting by joint holders of such mortgages, debentures and debenture stock as if those Sections were re-enacted in this Section with any necessary modifications.

(*c*) Section eighty of the Companies Clauses Consolidation Act 1845 shall apply to the proof of the approval by the necessary majority of the holders of the existing mortgages, debentures and debenture stock of any resolution proposed at any meeting of such holders convened for the purposes of this Section as if the said Section eighty were re-enacted in this Section with any necessary modifications.

Redeemable securities.

15.—(1) The Company may issue as redeemable preference shares or stock or redeemable debentures or debenture stock any preference shares or stock or debentures or debenture stock which the Company are authorised by this Act to create and issue. Provided that the resolution authorising the creation or issue of such redeemable preference shares or stock or debentures or debenture stock (hereinafter in this Section referred to as "redeemable shares or stock") shall specify the terms and conditions on which the same shall be redeemed.

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(2) If it is so provided in the resolution under which redeemable shares or stock are created or issued the Company may—

(*a*) Call in and pay off the redeemable shares or stock or any part thereof at any time before the fixed date of redemption; and

(*b*) Redeem the redeemable shares or stock or any part thereof either by paying off the redeemable shares or stock or by issuing to any holder thereof (subject to his consent) other shares stock or securities in substitution therefor and may for the purpose of providing money for paying off the redeemable shares or stock or of providing substituted shares stock or securities create and issue new shares stock or securities (either redeemable or irredeemable) or reissue redeemable shares or stock originally created and issued under this section. Provided that the creation and issue for the purpose of any particular class of capital does not make the total nominal amount of such capital exceed the amount of that class of capital which the Company are by this Act for the time being authorised to issue except during the necessary interval between the creation and issue of the new capital and the redemption of the old capital.

(3) In the application of this Section to redeemable preference shares or stock the following provisions shall apply—

(*a*) no redeemable preference shares or stock shall be redeemed except out of profits of the Company which would otherwise be available for dividend or out of the proceeds of a fresh issue of shares or stock made for the purposes of the redemption;

(*b*) no such shares or stock shall be redeemed unless they are fully paid;

(*c*) where any such shares or stock are redeemed otherwise than out of the proceeds of a fresh issue, there shall out of profits which would otherwise have been available for dividend be transferred to a reserve fund, to be called "the capital redemption reserve fund," a sum equal to the amount applied in redeeming the shares

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or stock, and the provisions of this Act relating to the reduction of the share capital of the Company shall apply as if the capital redemption reserve fund were paid up share capital of the Company;

(*d*) where any such shares or stock are redeemed out of the proceeds of a fresh issue, if a premium is payable on redemption, such premium shall have been provided for out of the profits of the Company before the shares or stock are redeemed.

Power to raise temporary loans, etc

16.—(1) The Company may for the purpose of or in connection with the undertaking borrow money on temporary loans from their bankers by means of overdrafts or otherwise and draw accept and endorse bills of exchange or other negotiable instruments.

(2) The powers of raising moneys conferred on the Company by this Section shall be in addition to any powers conferred on them by this Act of borrowing on mortgage of the undertaking or raising moneys by the issue of debentures or debenture stock. Provided that the aggregate amount outstanding at any one time of the moneys raised under this Section shall not exceed fifty thousand pounds.

Payment of interest on share capital out of capital.

17.—Notwithstanding anything in this Act or any Act incorporated therewith the Company may out of any money by this Act authorised to be raised pay and charge to capital account interest at such rate not exceeding eight per centum per annum as the directors may determine to any shareholder (which expression where used in this section includes stockholder) on the amount from time to time paid up on the shares or stock (all of which are in this section included in the expression "share" or the expression "shares") held by him from the respective times of such payments until the expiration of the time limited by this Act for the completion of the specified works or for such less period as the directors may determine but subject to the following conditions (that is to say):—

(*a*) No such interest shall begin to accrue until the Company shall have deposited with the Ministry of Commerce a statutory declaration by two of the directors and the secretary that two-thirds

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at least of the share capital authorised by this Act in respect of which such interest may be paid has been actually issued and accepted and is held by shareholders who or whose executors administrators or assigns are legally liable for the same.

(*b*) No such interest shall accrue in favour of any shareholder for any time during which any call on any of his shares is in arrear.

(*c*) The aggregate amount to be so paid for interest shall not exceed one-sixth of the capital for the time being issued and paid up.

(*d*) Notice that the Company has power so to pay interest out of capital shall be given in every prospectus advertisement or other document of the Company inviting subscriptions for shares and in every certificate of shares which may be issued by or on behalf of the Company in any period during which such interest shall be paid.

(*e*) The yearly or half-yearly accounts of the Company shall show the amount of capital on which and the rate at which interest has been paid in pursuance of this Section.

Save as hereinbefore set forth no interest or dividend shall be paid out of any share or loan capital which the Company are by this Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

Payment of interest on borrowed money out of capital.

18. The Company may charge to capital account the interest accruing during the period limited by this Act for the completion of the specified works on such less period as the directors may determine on all or any moneys borrowed on mortgage or on loan or otherwise or raised by the issue of debentures or debenture stock under the powers of this Act for purposes to which capital is properly applicable under the provisions of this Act.

Power to purchase and cancel debentures, etc.

19.—(1) The Company may at any time purchase by agreement any debentures or debenture stock of the

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Company and for that purpose may apply any moneys for the time being in their hands which they are entitled to apply to capital purposes.

(2) Any debentures or debenture stock purchased under the provisions of this Section may at any time be cancelled and extinguished and the amount of any debentures or debenture stock so cancelled shall be deemed to be money borrowed and paid off by the Company within the meaning of Section thirty-nine of the Companies Clauses Consolidation Act 1845 and the provisions of that Section as to re-borrowing by the Company shall apply accordingly. No such debentures or debenture stock so purchased otherwise than in the open market shall be purchased at a price exceeding the price as recorded in the Company's books at which the last transaction in the same class of security has taken place.

Capital subscription for exercise of compulsory powers.

20.—(1) Until the amount of two hundred thousand pounds of the share or loan capital of the Company shall have been subscribed under contract binding the parties thereto and their executors administrators successors or assigns for the payment of the several sums in such portion of capital by them respectively subscribed it shall not be lawful for the Company to put in force the powers of this Act in relation to the compulsory taking of land and easements and that amount shall be deemed to be the prescribed sum for the purposes of Section seventeen of the Lands Clauses Consolidation Act 1845.

(2) A certificate under the hand of two justices certifying that the said sum of two hundred thousand pounds has been subscribed as aforesaid shall be sufficient evidence thereof and on the application of the Company and the production of such evidence as the justices shall think proper and sufficient a certificate shall be granted accordingly.

Securities may be issued in payment for land, etc.

21. The Company may agree with the owner of any lands or any estate or interest in any lands which or any right or easement in over or affecting which the Company are by this Act authorised to acquire, or of any land or interest in land, which may be injuriously affected by the execution of the works by this Act authorised, that the consideration to be paid for the same (including the compensation if any for damage by severance) and the

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compensation (if any) to be paid for any injurious affection of any such land or interest shall be paid wholly or in part by the allotment to such owner of such number or amount of shares, stock, debentures, debenture stock or other security of the Company as shall be agreed between the Company and such owner and thereupon it shall be lawful for the Company to issue such shares, stock, debentures, debenture stock or other security accordingly. All shares stock, debentures, debenture stock or other security of the Company issued pursuant to this Section shall for all purposes be deemed to be fully paid-up and shall vest in the person to whom they are issued and the names of the holders thereof shall be inserted as such in the registers of the Company of holders of shares, stock, debentures, debenture stock or other security as the case may be.

Power to subscribe for securities or lend money to other undertakings.

22. The Company may subscribe for, purchase, hold and dispose of shares stock and securities in any incorporated company taking or agreeing to take a supply of electricity from the Company or making producing or dealing in electrical or hydraulic plant or appliances or other articles used in or in connection with the generation or use of electricity and may lend money on mortgage bond or other security to any such company or to any firm or person taking or agreeing to take such supply from the Company or making producing or dealing in such plant appliances or articles.

Power to pay commission on issue of capital.

23.—(1) Notwithstanding anything in this Act or the Acts incorporated therewith the Company may issue any part of the capital which the Company are by this Act authorised to raise to such persons on such terms and conditions (including the payment of commission not exceeding five per centum for underwriting or procuring subscriptions for any such capital) and in such manner as the directors think advantageous to the Company. Provided that the payment of the commission and the amount or rate per centum of the commission paid or agreed to be paid shall be respectively disclosed in the prospectus or other document of the Company inviting subscriptions for such capital.

(2) Nothing in this Section shall affect any power of the Company to pay brokerage.

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Application of moneys.

24. Except as by this Act otherwise expressly provided all moneys raised under this Act whether by shares stock debentures debenture stock or borrowing shall be applied only to purposes to which capital is properly applicable.

PART III.—ADMINISTRATIVE PROVISIONS.

First ordinary meeting.

25. The first ordinary meeting of the Company shall be held within six months after the passing of this Act.

Meetings of Company.

26. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 the Company may by a resolution of a general meeting at any time determine that the future ordinary meetings of the Company shall be held once only in each year in such month as the directors may from time to time determine and the Company may from time to time in like manner alter or rescind any such resolution.

Quorum of General Meetings.

27. The quorum of a general meeting of the Company (whether ordinary or extraordinary) shall be fifteen shareholders present in person or by proxy holding together not less than one-twentieth part of the nominal amount of the ordinary and preference shares and stock of the Company for the time being issued.

Interim dividends and annual accounts.

28. If and so long as the ordinary meetings of the Company are held only once in each year the following provisions shall have effect:—

(*a*) It shall be lawful for the directors to declare and pay in any year an interim half-yearly dividend out of the profits of the Company without the sanction or direction of a general meeting.

(*b*) The Company and the directors shall not be required to make up half-yearly balance sheets and accounts and the balance sheets and accounts made up by them in accordance with Section one hundred and sixteen of the Companies Clauses Consolidation Act 1845 shall relate to the transactions of the Company in the course of the preceding year.

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Number and quorum of Directors.

29.—(1) The number of directors shall be five but the Company may vary the number between a minimum of five and a maximum of nine.

(2) The quorum of a meeting of directors shall be a majority of the total number of directors for the time being.

Qualification of Directors.

30.—(1) The qualification of a director shall be the possession in his own right of ordinary or preference shares and/or stock of the Company of the nominal value of five hundred pounds and every director who is not qualified at the time of his appointment as a director shall obtain his qualification within two months after his appointment. If any director does not within such two months obtain his qualification he shall vacate his office as director and shall be incapable of being re-appointed a director until he has obtained his qualification.

(2) Notwithstanding anything in the Companies Clauses Consolidation Act 1845 no person shall be disqualified from being a director of the Company by reason of his holding any office or place of trust or profit under the Company or by reason of his being interested in any contract with the Company nor shall any director be required to cease from voting or acting as a director by reason of his accepting any such office or place of trust or profit or becoming interested in any such contract. Provided that in the case of his being or becoming interested in any contract with the Company, whether such interest shall arise before or after his appointment as a director, the nature of his interest in the contract shall be disclosed by him at the meeting of the directors at which the contract is determined on if his interest then exists, or in any other case at the first meeting of the directors after the acquisition of his interest or after his appointment, and also in the next annual report of the Company and that no director shall as a director vote in respect of any such contract and if he does so vote his vote shall not be counted but this prohibition shall not apply to any contract by or on behalf of the Company to give to the directors or any of them any security by way of indemnity.

Directors.

31. The first directors of the Company shall be appointed by the persons named in Section six of this Act and the directors so appointed shall if duly qualified

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continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the proprietors of the Company present in person or by proxy may either continue in office the directors appointed as aforesaid or any of them or may elect a new body of directors or directors to supply the place of those not continued in office, the directors appointed as aforesaid being if they continue qualified eligible for re-election. At the first ordinary meeting to be held in every year after the first ordinary meeting the proprietors of the Company present in person or by proxy shall (subject to the power hereinbefore contained for varying the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845. The several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are duly elected in their stead.

Notice of candidature of Director.

32. Except in the case of a director retiring by rotation and offering himself or being proposed for re-election no person shall be capable of being elected at a general meeting a director of the Company unless notice in writing that such person intends to offer himself or will be proposed for the office of director shall have been given to the secretary or left at the office of the Company ten days at least before the day of election.

As to appointment of Managing Director.

33.—(1) The directors of the Company may appoint one or more of their body to be managing director or managing directors of the Company either for a fixed term or without any limitation as to time and may remove or dismiss him or them from office and appoint another or others in his or their place or places.

(2) A managing director shall not while holding that office be subject to retirement by rotation and shall not be taken into account in determining the rotation of retirement of directors but if he ceases to hold the office of director from any other cause he shall ipso facto immediately cease to be a managing director.

(3) The remuneration of a managing director shall from time to time be fixed by the directors and may be by way of salary or commission or participation in profits or by any or all of those modes.

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(4) The directors may entrust to and confer upon any managing director such of the powers exercisible by the directors and subject to such conditions as they may think fit and may from time to time revoke withdraw alter or vary all or some of such powers.

Voting rights.

34.—(1) At all general meetings of the Company every holder of ordinary shares and stock and (subject as hereinafter mentioned) of preference shares and stock shall be entitled to one vote in respect of every pound in the nominal amount of shares or stock held by him. Provided always that no holder of shares or stock shall be entitled to vote at any meeting in respect of any share or stock on which any call remains unpaid.

(2) Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any share or stock to which a preferential dividend shall be assigned.

Appointment of proxies

35. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 the attorney of any holder of shares or stock of the Company duly authorised in writing may appoint a proxy to vote for and on behalf of the holder and for that purpose may execute on behalf of the holder the necessary form of proxy: Provided that the instrument appointing the attorney shall be transmitted to the secretary (if not previously registered by him) at the same time as the instrument appointing the proxy.

Joint holders.

36. Notwithstanding anything in the Companies Clauses Consolidation Act 1845 where several persons are jointly entitled to and registered as holders of any shares or stock any one of those persons may vote at any meeting (at which holders of shares or stock of the same class are entitled to vote) either personally or by proxy in respect of the shares or stock as if he were solely entitled thereto but if more than one of the joint holders be present at any meeting personally or by proxy that one of the said persons so present whose name stands first on the register in respect of the shares or stock shall alone be entitled to vote in respect thereof. Several executors or administrators of a deceased member in whose name any shares or stock stands shall for the purposes of this section be deemed joint holders thereof.

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Closing of transfer books.

37.—(1) The directors may close the register of transfers for a period not exceeding fourteen days previous to the declaration of any dividend and they may close the register of transfers of mortgages debentures or debenture stock for a period not exceeding fourteen days previous to each date at which the interest thereon shall be payable and in the case of any such register they may fix a day for closing the same of which seven days' notice shall be given either by circular to each proprietor or by advertisement in some newspaper published or circulating in the area of supply.

(2) Any transfer of shares stock mortgages debentures or debenture stock made during the time when the register of transfers of such security is so closed shall as between the Company and the person claiming under the same but not otherwise be considered as made subsequently to the declaration of any such dividend or the payment of any such interest as the case may be.

As to fees on transfers, etc.

38. The prescribed amount for the purposes of Section fifteen of the Companies Clauses Consolidation Act 1845 shall be the sum of five shillings, and the sum which the Company may demand for a copy of the shareholders address book or any part thereof shall be a sum not exceeding eight pence for every one hundred words required to be copied instead of the sum of sixpence mentioned in Section ten of that Act.

Auditors.

39. The prescribed number of auditors of the Company to be appointed under the Companies Clauses Consolidation Act 1845 shall be one but the number may be increased to two by a resolution of the Company passed at a general meeting and such auditor or auditors shall be either (*a*) a Chartered Accountant or Chartered Accountants or (*b*) a member or members of the Society of Incorporated Accountants and Auditors or (*c*) an accountant or accountants approved by the Ministry of Commerce. The auditor or auditors so appointed need not hold shares in the Company.

Determination of remuneration of Secretary.

40. In addition to the powers which the directors may exercise under the Companies Clauses Acts 1845 to 1889 they may determine the remuneration of the secretary.

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PART IV.—WORKS LANDS ETC.

Works.

41. Subject to the provisions of this Act the Company may make construct lay down and maintain in the lines and situations and according to the levels shown on the deposited plans and sections the works hereinafter described with all proper embankments, dams, tanks, weirs, locks, sluices, cuts, channels, roads, ways, sewers, drains, pipes, telegraphs, telephones, wires, turbines, machinery, pumping plant, buildings and other works apparatus and conveniences connected with or ancillary to the said works or any of them or necessary or convenient for constructing inspecting maintaining repairing cleansing managing and using the same. The works hereinbefore referred to will be wholly situate in the counties of Antrim and Londonderry and are :—

Work No. 1. A dam and weir extending across the river Bann and its banks not more than 440 yards above the lock at the existing Carnroe Weir.

Work No. 2. A reservoir (being an enlargement of the river Bann) to be formed by the Work No. 1 by this Act authorised and extending from that Work to the southern end of the Portna Canal.

Work No. 3. A road in the townland of Vow in the rural district of Ballymoney commencing by a junction with the main road through Vow Village at a point about 65 yards northwestwards of the Flax Mill and terminating on the northern side of Vow Graveyard.

Work No. 4. An alteration of the level of the public road leading from Vow to Moore Lodge situate in the townland of Vow commencing and terminating at points situate respectively about 10 yards northwards and 290 yards southwards from the said Flax Mill.

Work No. 5. An alteration of the level of the last mentioned public road in the townland of Artnagross in the said rural district of Ballymoney at a point situate about 100 yards northwestwards of the Lodge entrance to Glandore and terminating at about the said Lodge entrance.

Work No. 6. An alteration of the level of the public road leading from Kilrea to Movanagher in the townland of Movanagher in the rural district of

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Coleraine commencing and terminating at points respectively situate about 1185 yards and 1130 yards northwards from Bannfield.

Work No. 7. An alteration of the level of the public road leading from Kilrea to M'Laughlins Corner commencing and terminating at points situate respectively about 375 yards westwards and 865 yards eastwards of Kilrea Bridge. The said work No. 7 will be situate partly in the townland of Kilrea in the rural district of Coleraine and partly in the townland of Culmore and Ballymaconelly in the rural district of Ballymoney.

Work No. 8. An alteration of the level of the road leading from the said road between Kilrea and M'Laughlin's Corner to Doneysheil Farm situate in the townland of Culmore and in the rural district of Ballymoney commencing at the last mentioned road and terminating at the northern end of the said farm.

Provided that any telegraphs telephones wires works or apparatus constructed laid down or maintained under the authority of this Section shall not be used for the purpose of transmitting telegrams which are within the exclusive privilege conferred upon the Postmaster General by the Telegraph Act, 1869.

Provisions as to maintenance of works.

42. The Company shall maintain the water channels in and through the reservoir (work No. 2 by this Act authorised) and also the sluices of the dam and the machinery connected therewith in a condition of maximum efficiency and shall comply with any requirements of the Ministry of Finance with respect to maintenance and repair, and the said Ministry shall by its duly authorised officers be entitled to inspect and test the operating gear of the said sluices at any time.

Conditions as to construction of dam and works.

43. The dam and auxiliary works in this Act referred to as work No. 1 shall be constructed only in accordance with the following conditions :—

(*a*) Plans, sections and contract drawings of the dam and auxiliary works shall be submitted to the Ministry of Finance and the Ministry of Commerce and the construction of the said dam and auxiliary works shall not be commenced until such plans and sections and

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contract drawings have been approved in writing by the Ministry of Finance and the Ministry of Commerce.

(*b*) The dam and auxiliary works shall be provided with sluices capable of discharging one million cubic feet of water per minute independently of the discharge through the turbines with the water level in the forebay not exceeding 47 feet above Ordnance Datum at any point.

(*c*) The sluices shall be equipped with mechanism to enable them to be operated by electrical or hydraulic power and also independently by hand-power.

(*d*) Instruments, one of which at least shall be of a recording type, showing continuously the level of the water in the forebay, shall be erected in such positions as may be required by the said Ministries and the records shall be preserved for at least five years and be available at all times for the inspection of any officer or officers duly authorised by the said Ministries. A daily reading from same shall be entered and kept by the Company in a permanent record.

For protection of scenery.

44. In the execution maintenance and working of the specified works all reasonable regard shall be had to the preservation both for the public and for private owners of the beauty of the scenery of the districts in which the specified works are situate.

Power to deviate.

45. Subject to the approval of the Ministries of Finance and Commerce as provided by Section forty-three of this Act the Company may in constructing the specified works deviate from the lines or position thereof as shown on the deposited plans relating thereto within the limits of deviation shown thereon and from the levels of all or any of the specified works as shown on the deposited sections to any extent not exceeding ten feet upwards and to any extent downwards. Provided that the crest of the Weir (Work No. 1) by this Act authorised shall not be constructed at a higher level than two feet above the level shown on the deposited sections.

Period for completion of specified works.

46. Subject to the provisions of this Act if the specified works are not completed within seven years from the passing of this Act then on the expiration of that

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period the powers by this Act granted to the Company for making and completing the specified works or otherwise in relation thereto shall cease except as to so much thereof as is then completed, but nothing herein contained shall restrict the Company from maintaining using extending enlarging altering replacing relaying increasing adding to or removing any of the specified works and the generating station by this Act authorised at any time and from time to time as occasion requires. Provided that there shall be no interference with Work No. 1 save with the approval of the Ministry of Finance.

Power to dredge.

47. Subject to the provisions of this Act the Company may dredge deepen and alter the bed, channel, shore and banks of the Lower Bann River within the limits of deviation of the works by this Act authorised for the purpose of making and maintaining the said works. Any soil, stone or other materials dredged or removed by the Company when exercising the powers of this Section shall be the Company's property and may be appropriated or used by them for any of the purposes of this Act or sold or otherwise disposed of as the Company may think fit.

Power to lay down pipes.

48. Subject to the provisions of this Act the Company may within the area of supply lay down maintain repair alter and use pipes for conveying water and any other materials matters or things used by them in or resulting from the process of generating or transforming or distributing electricity to or from any generating station or works of the Company and the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall so far as applicable extend and apply to the laying down repairing altering or removing of pipes for such purposes but nothing contained in this Section shall authorise the Company to supply water to other persons. Provided that nothing in this Section shall authorise the Company to break up any road or street for the purpose of laying down altering removing or (except in cases of emergency) repairing pipes for the purposes aforesaid without the consent of the road authority which consent shall not be unreasonably withheld.

In the event of dispute between the Company and any road authority as to whether the consent of the road

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authority has been unreasonably withheld the dispute shall be referred for settlement to the Ministry of Home Affairs.

Road alterations.

49. In the execution of the specified works in connection with which the level of any existing road is to be altered, the ascent of any main road, after the alteration in level authorised by this Act has been effected, shall not be more than one foot in thirty feet, and the ascent of any other public carriage road after such alteration of level shall not be more than one foot in twenty feet, and a good and sufficient fence, four feet high at the least, shall be made on each side of every bridge which shall be erected and if required by the road authority on each side of every public road where the existing surface level is raised. Wherever the level of the road is raised upon an existing bridge, the fence of the said bridge shall be raised correspondingly, so that the fence shall be at least four feet high from the finished altered level.

Power to acquire lands compulsorily

50. The Company may subject to the provisions of this Act enter upon take acquire hold appropriate and use for the purposes hereinafter mentioned the following lands that is to say—:

(1) Such of the lands and other property shown on the deposited plans and described in the deposited book of reference as the Company may require for the purposes of the specified works and of any subsidiary or ancillary works connected therewith.

(2) The lands described in the First Schedule to this Act for the purpose of the deposit of soil obtained from the dredging operations of the Company and also as regards the Lands (*b*) and (*c*) described in that Schedule for the purposes mentioned in Section fifty-two of this Act and as regards the lands (*a*) and (*b*) described in that Schedule for the purposes mentioned in Section fifty-three of this Act.

Correction of errors in deposited plans and book of reference.

51. If there be any misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Company after giving ten days notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county in which such lands are situate for

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the correction thereof and if it appears to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the Clerk of the Crown and Peace for the said county and a duplicate thereof shall also be deposited with the Clerk of the District Council for the district in which the lands affected thereby are situate and such certificate and duplicate respectively shall be kept by such clerks respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Company to take the lands and execute the works in accordance with such certificate.

Generating station.

52.—(1) The Company may on the dam and weir (Work No. 1) by this Act authorised and on the lands (*b*) and (*c*) described in the First Schedule to this Act or on any part or parts thereof erect maintain work and use a power house and station and works for generating and transforming electricity and for producing manufacturing converting working up and dealing with any product or thing arising or used in such generation or transformation with all necessary and convenient buildings turbines engines dynamos pipes pumps motors plant machinery works apparatus and conveniences and may generate transform produce manufacture convert work up use transmit and distribute and deal in such electricity products and things.

(2) The Company shall submit to the Electricity Commissioners plans of the generating station by this Act authorised and shall comply with any regulations made by the Electricity Commissioners as to type of current to be generated at such station and the frequency and pressure thereof.

Accesses to works, houses, workshops, etc.

53. The Company may on the Lands (*a*) and (*b*) described in the First Schedule to this Act after they have been acquired by them construct maintain and use roads approaches ways and means of access to any works of the Company and to the river banks construct and maintain dwelling-houses, warehouses, wharves,

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landing places, offices, stores, yards, workshops or other shops and factories and erect or lay down maintain and use above on or below the surface of the ground cables wires mains pipes standards and other apparatus and things for the purposes of the undertaking.

Owners may be required to sell parts only of certain lands and buildings.

54. And whereas in the construction of the works by this Act authorised or otherwise in exercise of the powers of this Act it may happen that portions only of certain of the lands, houses or other buildings or manufactories shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto. Therefore notwithstanding Section ninety-two of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the lands, houses or other buildings or manufactories described in the Second Schedule to this Act and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the tribunal be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Company the portions only of the premises so required without the Company being obliged or compelled to purchase the whole or any greater portion thereof, the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise.

Interruption of through navigation.

55.—(1) As from the date of the commencement of work by the Company on the construction of the dam and weir at Carnroe by this Act authorised, the through navigation of the Lower Bann River shall be interrupted at such points above and below the said weir as shall be determined and fixed by the Company within the limits of deviation shown on the deposited plans, and thereafter the through navigation of the Lower Bann River past Carnroe Weir shall be and remain interrupted at the aforementioned points or at such other points as the Company with the approval of the Minister of Commerce may fix and determine, and all rights or privileges of through navigation shall be and remain abolished within the said points, and any ownership, right, privilege, power or duty of the Lower Bann Navigation Trustees or of the

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Honourable The Irish Society, or of any person or body of persons claiming under or through them, or of any other person or body of persons shall cease and be extinguished between the aforementioned points above and below Carnroe Weir for all purposes whatsoever.

(2) The Company shall give not less than three clear months' notice by means of advertisements in one Belfast newspaper and in one other newspaper published and circulating in the area of supply and of posters affixed at the various locks on the Lower and Upper Bann River and on Lough Neagh of the date as from which through navigation will be stopped at Carnroe under the powers in this Section contained.

(3) For the purposes of this Section the provisions of the Lands Clauses Acts with respect to lands so far as the same are applicable in this behalf shall apply to any right or privilege abolished by this Section as if the same were lands within the meaning of those Acts.

(4) The Company shall construct, at its own expense and to the satisfaction of the Ministry of Commerce to whom the plans and drawings shall be submitted, landing-places immediately above and below the said dam and weir and shall connect the said landing-places with each other by a road 8 feet at least in width and having a gradient not exceeding 1 in 10 and shall maintain the said landing-places and road in good order and condition at its own expense for the free use of all public departments, companies, bodies or persons lawfully upon the river or being concerned with fisheries, navigation, drainage or the transport of goods upon the river. The said road connecting the two landing-places shall also be provided and equipped to the satisfaction of the Ministry of Commerce with a tramway and carriage or a rollerway upon which small boats and launches may be transported between the two navigable levels of the river and with mechanical means of working and controlling such tramway and carriage or rollerway, which the Company shall operate without charge to the owners or users of such vessels.

Compensation in case of recently altered buildings.

56. In settling any question of disputed purchase money or compensation payable under this Act in respect of any lands or easements the tribunal shall not award any sum of money for or in respect of any improve-

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ment alteration or building made or erected or for or in respect of any interest in the land created after the twenty-sixth day of November nineteen hundred and twenty-six if in the opinion of the tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made erected or created with a view to obtaining or increasing compensation under this Act.

Compensation may be made in power in certain cases.

57. If the owner lessee or occupier of any works using the waters of the River Bann for power purposes establishes a right to compensation under this Act or the Acts incorporated therewith for any injurious affection of those works caused by a diminution of the water power available at those works the Company may if they think fit satisfy such compensation by supplying to the owner lessee or occupier electrical or other power of such quantity and on such terms and conditions as the tribunal may determine.

Period for compulsory purchase of lands, etc.

58. The powers of the Company for the compulsory purchase of lands and easements for the purposes of this Act shall cease after the expiration of five years from the passing of this Act.

Company may stop up footpaths, etc

59.—(1) The Company may stop up and discontinue for public traffic any footpaths bridle-paths or other tracks or ways on over or across the lands or fords across the river either shown on the deposited plans and described in the deposited book of reference or submerged or affected by the construction of the works by this Act authorised and upon the stopping up and discontinuance for traffic of the same respectively the sites and soil thereof respectively shall be by virtue of this Act vested in the Company so far as they are the owners of the adjoining lands on both sides free from all public and other rights of way or passage in over or affecting the same.

(2) The Company may also stop up and extinguish all rights of way over (*a*) the portion of the public road leading through Movanagher Village which is situate within the limits of deviation of the Reservoir (Work No. 2) by this Act authorised and (*b*) the portion of the public road in the townland of Tamlaght leading from Four Bushes past Antrim View House to the River Bann as is situate between that House and that River and there-

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upon all rights of way over the portion of road so stopped up shall be extinguished but no portion of either such road shall be stopped up unless the Company are owners in possession of all houses and lands on both sides thereof except so far as the owners lessees and occupiers of those houses and lands may otherwise agree. Provided that the Company shall make full compensation to all parties interested in respect of any private rights of way extinguished by virtue of this sub-section and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Lands by agreement.

60. The Company may for the general purposes of the undertaking purchase and hold or take on lease (by agreement but not otherwise) in addition to the lands delineated on the deposited plans and described in the deposited book of reference any lands and hereditaments not exceeding in the whole fifty acres which the Company may from time to time require for the purpose of providing sites for manufacturing and other works and industries and for any of the purposes of this Act or of the undertaking but the Company shall not create or permit a nuisance on such lands and nothing in this Act shall exonerate the Company from any action or proceeding for nuisance in the event of any nuisance being caused or permitted by them on any such land. Provided always that the Company shall not (save so far as they may be authorised so to do by competent authority) erect any station for generating electricity as that expression is defined in the Electricity (Supply) Act 1919 upon any lands acquired under this Act other than the lands referred to in the first Schedule to this Act.

Persons under disability may grant easements, etc.

61. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rent charges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

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Power to sell lease, etc. lands.

62. Notwithstanding anything in the Lands Clauses Acts the Company may retain hold and use for the purposes of the undertaking for such time as they think fit any lands for the time being belonging to them and may from time to time sell lease exchange or otherwise dispose of the same in such manner for such consideration and on such terms and conditions as they think fit and may execute and do any deed act or thing proper for effectuating any sale lease exchange or disposition and on any such sale lease exchange or disposition may reserve to themselves all or any part of the water rights or other easements belonging thereto and may make the sale lease exchange or disposition subject to such reservations accordingly.

Dwelling houses, warehouses, etc.

63. The Company may erect and maintain upon the lands for the time being belonging to or held on lease by them or as to which they may have acquired any right or permission so to do cottages, dwelling-houses, warehouses, wharves, landing places, offices, stores, yards, workshops or other shops and factories and may purchase or take on lease any houses buildings lands or other premises and use lease or sell any or all of such aforesaid houses, buildings, lands or premises.

Temporary discharge of water into streams.

64. The Company may at any time cause the water in any of the works by this Act authorised to be temporarily discharged into any available stream or watercourse. In exercise of the power conferred by this Section the Company shall do as little damage as may be and shall make full compensation to all persons for any damage sustained by them by reason or in consequence of the exercise of such power and the amount of compensation shall be settled in case of difference by arbitration.

Power to regulate waters of River Bann, etc.

65. Subject to the provisions of this Act the Company, for the purposes of and in connection with the generation of electricity by this Act authorised, may impound and hold up the waters of the Lower Bann and its tributaries within the Reservoir (Work No. 2) by this Act authorised and may regulate and control the flow of water through the dam and auxiliary works (Work No. 1) by this Act authorised, and may abstract and use the waters of the said river for the purpose of generating electricity at the power house and the generating station

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by this Act authorised, and for use for condensing and other purposes in connection with such generation, but save as aforesaid no waters shall be abstracted by the Company from the said river and all waters abstracted under the powers of this Section and not consumed shall be returned by the Company to the said river.

Provided always that the Company shall so regulate the discharge of water through the turbines and the sluices in the dam (Work No. 1) by this Act authorised as to provide that the water level of any part of the reservoir (Work No. 2) by this Act authorised shall never exceed forty-seven feet above ordnance datum and shall, at the request of the Ministry of Finance, so regulate the said discharge as to lower the said level to such an extent not exceeding two feet below the maximum level of forty-seven feet above ordnance datum as the said Ministry may require. Provided further that the Company shall not reduce the water level of any part of the said reservoir below forty three feet above ordnance datum.

For securing full development of water power.

66. The Company shall subject to the provisions of this Act in constructing the works by this Act authorised so construct the same as to secure so far as is reasonably practicable that the waters which they are authorised to divert and appropriate for the purposes of the production of motive power and the generation of electricity shall be used to the best advantage for such purposes.

PART V. SUPPLY OF ELECTRICITY.

Area of supply.

67.—(1) The area within which the Company may supply electricity subject to the provisions of this Act shall be :—

(*a*) The County of Antrim with the exception of the Rural District of Belfast, of the Urban and Rural Districts of Lisburn, and of the Island of Rathlin ;

(*b*) That part of the County of Londonderry which comprises the Urban Districts of Coleraine and Portstewart, the Rural District of Coleraine and that part of the Rural District of Magherafelt, which lies to the north and east of a line commencing at Glenshane Pass on the border of the Rural District of Limavady the line

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running thence along the public road to Lisnamuck Bridge thence along the River Moyola to Lough Neagh.

(2) The area above defined may from time to time be extended by a Special Order made by the Electricity Commissioners and confirmed by the Ministry of Commerce in accordance with the provisions of the principal Acts, and the Company are hereby authorised to make application for and the Commissioners to make and the Minister to confirm such Orders accordingly provided that a Special Order made in pursuance of the powers conferred by this Section shall be laid before each House of Parliament and shall not come into force unless and until approved either with or without modification by a Resolution passed by each such House.

On the coming into force of any such Order the expression "the area of supply" wherever used in this Act shall mean the area of supply as extended by such Order.

Railway and tramway crossings.

68. The provisions of Section thirteen of the Electric Lighting Act 1882 and of Section twelve of the Schedule to the Act of 1899 shall apply to all railways and tramways within the area of supply as if the Company were specially authorised to break up or interfere with the same by special powers inserted in this Act.

Electric mains in private streets and under way-leaves.

69.—(1) Subject to the provisions of this Act the Company may upon the application of the owner or occupier of any premises abutting on or being erected in any street within the area of supply laid out but not dedicated to public use or if so dedicated not repairable by the road authority supply such premises with electricity and may lay down take up alter relay or renew in across or along such street such mains wires and apparatus as may be requisite or proper for furnishing the supply and the provisions of the principal Acts and of the Schedule to the Act of 1899 so far as the said Schedule is incorporated with this Act shall extend and apply to and for the purposes of this Section as if the Company were specially authorised to break up or interfere with any such street by special powers inserted in this Act.

(2) Where the Company under any terminable agreement or arrangement place upon or below ground

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any electric line which could have been so placed under the provisions of Section twenty-two of the Electricity (Supply) Act 1919 the Company may notwithstanding the termination of the agreement or arrangement retain the line in position on the same terms and subject to the same provisions as were previously applicable thereto unless and until objection is made by the owner or occupier to any land over or under which it is placed but if any such objection is made the line shall only be retained if the provisions of the said Section twenty-two regulating the placing of a new line are complied with and subject to the provisions of that Section applicable to lines placed across lands in pursuance of that Section. Provided that the Company may at any time whilst a line is so retained apply to the Ministry of Commerce for a revision of the said terms and conditions in which event the provisions of the said Section twenty-two shall apply as if the retention of the line in position were the placing of an electric line across land and the Company shall not be required to remove the line pending the decision upon such application.

Power to construct electric sub-stations under streets

70. The Company may (subject to the provisions of the principal Acts and of the Schedule to the Act of 1899 so far as incorporated with this Act) construct and maintain in or under any street or road in charge of or maintainable wholly or partly by or at the expense of a road authority or dedicated to public use within the area of supply sub-stations transforming stations and other works in connection with the undertaking and may in any such street provide and maintain all such means of access and approach to such sub-stations transforming stations and works as may be necessary or convenient. Provided always that the Company shall not construct any such sub-station transforming station or work (a) in or upon any bridge carrying a street over a railway or the approaches thereto or under any bridge carrying a railway over a street or within ten feet of any abutment of any such bridge or (b) in any street belonging to or repairable by a railway company and forming the approach to any station or depot of such Company or (c) so as to interfere with or render less convenient the access to or exit from any station or depot of a railway company constructed and maintained under statutory authority except with the consent in writing of the railway company.

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As to route.

71.—(1) Subject to the provisions of this Act any electric lines laid under or carried along any street by the Company under this Act shall be laid or carried in such line or route and in such manner as may be agreed between the Company and the road authority or failing agreement as shall be settled by the Ministry of Commerce. And the Company shall show on the plan of the works to be served on the road authority in accordance with the provisions of the Schedule to the Act of 1899 incorporated with this Act the route proposed to be taken and the manner in which the electric lines are to be laid or carried.

Provided that where the road authority objects to any proposed line or route on the ground that it would traverse a principal thoroughfare or busy street or is otherwise inconvenient and indicates an alternative route or deviation within the district of the local authority which the Company are willing to adopt or which in the opinion of the Ministry of Commerce is reasonably practicable and does not involve undue increase of expenditure such alternative route or deviation shall be adopted.

(2) The reasonable and proper costs charges and expenses incurred by any road authority in relation to any reference to the Ministry of Commerce under this Section shall unless the Ministry shall certify that the action of the road authority in the matter has been unreasonable be paid by the Company.

(3) Nothing in this Section shall take away or prejudicially affect the rights of the Postmaster-General under Section fourteen of the Schedule to the Act of 1899.

Map of Electric Lines.

72. The Company shall cause a map to be made showing the line and depth below the surface of all electric lines laid down under the powers of this Act and shall once in every year cause such map to be duly corrected so as to show the then existing lines. The Company shall also if so required by the Electricity Commissioners or the Postmaster-General cause to be made sections showing the level of all such electric lines. The said map and sections shall be made on such scale or scales as the Electricity Commissioners shall prescribe.

Every map and section so made or corrected or a copy thereof marked with the date when it was so made or last corrected shall be kept by the Company at their principal office and shall at all reasonable times be open to the inspection of all applicants, and such applicants

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may take copies of the same or any part thereof. The Company may demand and take from every such applicant as aforesaid such fee not exceeding one shilling for each inspection of such map sections or copy and such further fee not exceeding five shillings for each copy of the same or of any part thereof taken by such applicant as they may prescribe.

The Company shall if so required by the Electricity Commissioners or the County Councils of Londonderry and Antrim or the Postmaster-General supply free of charge to them or him a copy of such map or sections and cause such copy to be duly corrected so as to agree with the original or originals thereof, as kept for the time being at the office of the Company.

If the Company fail to comply with any of the requirements of this section with respect to maps and sections they shall for every such offence be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding two pounds for each day on which such offence is continued after conviction therefor.

Limitation of powers.

73.—(1) The powers of the Company for the supply of electricity under this Act shall be subject to the following restrictions that is to say:—

Electricity shall be supplied by the Company only:—

(*a*) To authorised undertakers;

(*b*) To companies bodies or persons requiring a supply for power.

(2) Subject to the provisions of this Act the Company shall not supply electricity (except to authorised undertakers or to any company body or person owning or working any railway light railway tramway tramroad trolley vehicle system waterworks harbour dock canal or navigation) in any area which at the commencement of this Act forms part of the area of supply of any authorised distributors without the consent of those distributors.

Provided that where any authorised distributors refuse or withhold such consent the Company may appeal to the Electricity Commissioners as to whether the consent of such authorised distributors is unreasonably refused or withheld and the Electricity Commissioners may dispense with such consent if in their opinion it is unreason-

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ably refused or withheld. The consent shall be deemed to be unreasonably refused or withheld if such authorised distributors are not willing and in a position to give the requisite supply upon reasonable terms and within a reasonable time and in considering what are reasonable terms and what is a reasonable time the Electricity Commissioners shall amongst other things have regard to the terms upon which and the time within which the Company are willing and able to give the supply.

(3) The electricity supplied to authorised distributors may be used by them for lighting or other purposes and the electricity supplied by the Company to any company body or person taking a supply for power may be used by such company body or person for lighting any premises on any part of which the power is utilised but save as aforesaid the Company shall not supply electricity for lighting purposes except to houses or buildings used in connection with the premises on or in connection with which power supplied by the Company is utilised.

(4) Electricity supplied by the Company to any company body or person owning or working an undertaking (being a railway, light railway, tramway, tramroad, trolly vehicle system, waterworks, harbour, dock, canal or navigation) which is partly within and partly without the area of supply may (subject to the provisions of Section eighty-two of this Act) be used for all or any purposes of any part of such undertaking. Provided that the Company shall not in any area without the area of supply which at the commencement of this Act forms part of the area of supply of any authorised distributors without the consent of those distributors supply electricity to any such company, body or person except for the purpose of traction or haulage or for lighting vehicles and vessels for the traction or haulage of which electricity is supplied.

(5) If at any time after the commencement of this Act any local authority company or person become authorised distributors in any area within the area of supply the Company shall be subject to any provisions which may be made by the Act or Order under which such local authority company or person are constituted authorised distributors as to the taking over by the local authority company or person of any supply given

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by the Company for use exclusively within the area of supply of the authorised distributors and such provisions may be made in any Order under the principal Acts.

Company to furnish supply of electricity to authorised undertakers.

74.—(1) The Company shall supply electricity to any authorised undertakers within the area of supply at such point or points as such authorised undertakers may reasonably require and shall furnish and lay such electric lines as may be necessary for that purpose upon the terms and subject to the conditions following (that is to say):—

Any such authorised undertaker requiring a supply of electricity shall—

(*a*) Serve a notice upon the Company specifying the point at which the electricity is required to be supplied and the maximum power required to be supplied and the day upon which the supply is required to commence (not being an earlier day than a reasonable time after the date of the service of the notice having regard to the situation of the point at which the supply is required to be given and to the length of electric line required to be laid and plant required to be erected for affording the supply) and

(*b*) Enter into a written contract with the Company (if required by them so to do) to continue to receive and pay for a supply of electricity for a period of at least seven years of such an amount that the payment to be made for the same shall not be less than twenty-five per centum per annum on the outlay (excluding expenditure on generating plant then already provided and any electric line then already laid) incurred by the Company in making provision for the supply.

Provided that (i) the number of different points at which any authorised undertakers may require a supply to be given shall not exceed one in respect of each two hundred and fifty kilowatts with which such authorised undertakers require to be supplied, and (ii) any authorised undertakers other than a local authority so requiring a supply of electricity shall give to the Company (if required by them so to do) sufficient security for the

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payment of all moneys which may become due to the Company under such contracts.

Provided further that the Company shall grant to any such authorised undertakers as favourable terms and conditions for the supply of electricity as those granted by the Company to any other authorised undertaker whose circumstances are similar in relation to the Company.

(2) If any difference arises under this Section between the Company and an authorised undertaker such difference shall be determined by arbitration.

(3) The provisions of this Section shall not apply to any supply which the Company may be required to afford under this Act to a local authority for the lighting of streets bridges and public places.

Penalty for failure to supply.

75. Whenever the Company make default in supplying energy to any authorised undertakers to whom they may be and are required to supply electricity in accordance with the provisions of this Act they shall be liable in respect of each default to a penalty not exceeding ten pounds for each day on which the default occurs. Provided that the penalties to be inflicted on the Company under this Section shall not exceed in respect of any one default not being a wilful default on the part of the Company the sum of five hundred pounds and in no case shall any penalty be inflicted in respect of any default if the Court are of opinion that the default was caused by unavoidable accident or strikes or force majeure or was of so slight and unimportant a character as not materially to affect the value of the supply.

Provided also that in the case of failure at any time of the supply by the Company such authorised undertakers shall not be liable to any of their consumers for the consequences of such failure or for any loss or damage which may be sustained in consequence thereof.

Supply to power users.

76. Subject to the provisions of Section seventy-three of this Act the Company shall supply electricity to any company body or person (other than an authorised undertaker) to whom the Company is under the powers of this Act entitled to give a supply of electricity for power if that company body or person undertakes to enter into a binding contract with the Company to take

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or continue to receive and to pay for a supply of electricity upon such terms and conditions (including the payment of a minimum annual sum) as failing agreement shall be fixed by a single Arbitrator appointed by the Ministry of Commerce and is also prepared to give to the Company (if required by them so to do) security for the payment of all sums which may become due to the Company under the contract. In determining what terms and conditions will afford an adequate return to the Company the Arbitrator shall have regard to the following amongst other considerations :—

(i) The period for which the person requiring the supply guarantees to take the supply.

(ii) The amount of electricity and the maximum power required.

(iii) The hours during which the Company can be called upon to give the supply.

(iv) The capital expenditure in connection with the supply, and

(v) To what extent capital expenditure in connection with the supply may become unproductive to the Company upon the discontinuance of the supply.

Limitation on obligation to supply.

77. Notwithstanding anything in this Act the Company shall not be under obligation to supply electricity in excess of the aggregate amount which will be available when the powers conferred on the Company by this Act of regulating and appropriating water for the purpose of generating electricity by hydraulic power have in the opinion of the Electricity Commissioners been exercised as far as is reasonably practicable.

Limitation of demand for maximum power.

78. The maximum power for the supply of which the Company is required to make provision and with which any authorised undertakers company body or person shall be entitled to be supplied shall be of such amount as they or he may require to be supplied with not exceeding what may be reasonably anticipated as their or his maximum consumption.

If any difference arises between any such undertakers company body or person and the Company as to what may be reasonably anticipated as their or his maximum consumption such difference shall be determined by arbitration.

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Power to discontinue or refuse to supply.

79.—(1) If any consumer of electricity supplied by the Company under the terms of any agreement uses electricity supplied to him by the Company in any manner contrary to the terms of the agreement the Company may (if they think fit) discontinue to supply electricity to such consumer until they are satisfied that any electricity so supplied will be consumed in accordance with the terms of the agreement. Provided that before discontinuing any such supply the Company shall give to the consumer taking the same one month's notice in writing of their intention so to do and shall in the notice specify in what respect the electricity is used contrary to the terms of the agreement.

(2) The Company may refuse to supply electricity to any company body or person whose payments for the supply of electricity or meter rent are for the time being in arrear (not being the subject of a bona fide dispute) in respect of a supply to the premises in respect of which supply is demanded.

(3) If any authorised undertakers company body or person uses or deals with the electricity supplied to them or him by the Company in such manner as to interfere unduly or improperly with the efficient supply of electricity by the Company to any other authorised undertakers company body or person the Company may (if they think fit) cease to supply electricity to the first-mentioned authorised undertakers company body or person.

Stand-by and Auxiliary supplies of electricity.

80. Notwithstanding anything in the principal Acts or in this Act or in any other Act or in any Provisional Order or Special Order made under any such Act a person (including any authorised undertakers company or body) shall not be entitled to demand or continue to receive for the purposes of a standby or auxiliary supply only from the Company a supply of electricity for any premises having a separate supply of electricity (in use or ready for use for the purposes for which the standby or auxiliary supply of electricity is required) of gas steam or other form of energy unless he has also agreed with the Company to pay to them such minimum annual sum as will give a reasonable return on the capital expenditure incurred by them in providing such standby or auxiliary supply and will cover other standing charges incurred by them

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in order to meet the possible maximum demand for those premises. The sum to be so paid shall be determined in default of agreement by arbitration.

Stated prices

81.—(1) The prices to be charged by the Company for electricity supplied under the powers of this Act within the area of supply to authorised undertakers or for power purposes only to any company body or person owning or working a railway, light railway, tramway, tramroad, trolley vehicle system, waterworks, harbour, dock, canal or navigation or any owner or occupier of a factory or any other power user shall not (except as may be otherwise determined by the Arbitrator under Section seventy-six of this Act) exceed the rates stated in Part I of the Third Schedule to this Act.

(2) The prices to be charged by the Company for electricity supplied under the powers of this Act within the area of supply for lighting purposes (other than to authorised undertakers) shall not exceed the rates stated in Part II of the said Schedule.

(3) Nothing in this Section or in the principal Acts shall prevent the Company from making any agreement as provided in this Act.

Electricity supplied for lighting purposes to be metered separately.

82. In any case where electricity supplied by the Company to any consumer other than an authorised undertaker is used partly for lighting purposes and partly for purposes other than lighting the Company may require that the electricity used for lighting purposes shall be measured by a separate meter and paid for at the price for the time being charged by the Company for electricity supplied for lighting purposes within the district in which the consumers premises are situate.

Revision of Prices.

83. The local authority of any district within the area of supply or such number of consumers not being less than twenty as the Ministry of Commerce consider sufficient having regard to the population of the area of supply or the Company may at any time after the expiration of three years after the passing of this Act make a representation to the Ministry of Commerce that the prices or methods of charge for a supply of electricity authorised by this Act within the whole area of supply or any particular part of that area ought to

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be altered and on any such representation being made the Ministry of Commerce after such enquiry as they may think fit may make an Order varying such prices or methods of charge or substituting other prices or methods of charge in lieu thereof with respect to the whole area of supply (if the representation related to the whole area) or any part of that area and the prices or methods of charge so varied or substituted shall have effect in the whole area or part of the area (as the case may be) on and after such day as may be mentioned in the Order as if they had been stated in this Act. Provided that any such prices and methods of charge for the time being in force in the whole area or part of the area (as the case may be) may be altered in like manner at any time after the expiration of any or every period of three years after they were last altered.

Transfer of undertakings of local authorities and others to Company.

84.—(1) The Company may by agreement (but not otherwise) acquire from any local authority or other undertakers to whom a Provisional or Special or other Order under the principal Acts shall have been or may be granted relating to a district or place, within or partly within the area of supply, the undertaking authorised by such Order and the powers rights authorities and privileges of the undertakers under the Order and any such undertakers, to whom any such Order has prior to the passing of this Act been granted, may with the approval of the Electricity Commissioners by deed to be approved by the Commissioners (which approval the Commissioners are hereby authorised to give) transfer the said undertaking powers rights authorities and privileges to the Company subject to such exceptions and modifications (if any) and on such terms and conditions as may be specified in the deed. In the event of the Company so acquiring any such undertaking they shall (subject to such modifications and exceptions) as aforesaid be deemed to be the undertakers for all the purposes of the Order the powers of which are so transferred. Provided that—

(*a*) The Company shall be allowed to charge for electricity supplied under any such Order such rates as the Order or any modification thereof prescribes but as regards a supply for power the Company shall be subject to the

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provisions of this Act with respect to the terms and prices on which such supply is to be afforded.

(*b*) In the case of any such Provisional Order granted prior to the year nineteen hundred the provisions of the Schedule to the Act of 1899 shall from and after such transfer be deemed to have been incorporated with such Order and shall control and supersede such of the provisions of that Order as are at variance or inconsistent therewith.

(*c*) The provisions of the principal Acts shall (subject to any modification of those Acts made by any such Order) apply to the undertaking so acquired.

(*d*) If the undertakers from whom the undertaking authorised by any such Order is transferred are a local authority the undertaking authorised by the Order shall (subject to anything to the contrary in the deed of transfer) be repurchaseable by the authority under Section two of the Electric Lighting Act 1888 but the periods at which the authority may so repurchase the undertaking under the provisions of that section or the deed of transfer shall be reckoned from the date of transfer thereof to the Company.

(*e*) None of the provisions of any such Order or of the principal Acts shall extend to authorise the purchase by any local authority of any generating station or other works of the Company which are not exclusively used or required for the purpose of supplying electricity under the Order within the area defined by the Order.

(2) The powers conferred by sub-section (1) of this Section may be exercised in respect of part only of any such undertaking or part only of any such powers rights authorities and privileges as aforesaid.

(3) References in this Section to a Provisional or Special or other Order shall be deemed to include references to any Act or Acts of Parliament relating to the undertaking or powers rights authorities and privileges to be transferred.

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(4) Any capital money received by any local authority in respect of any transfer under this Section shall be applied by such authority in manner provided by sub-section (2) of Section seven of the Schedule to the Act of 1899.

As to application for Special and other Orders.

85. Nothing in this Act shall prevent the Company from applying and the Company may apply for Special or other Orders under the principal Acts with reference to any areas in or adjoining the area of supply.

Company not to oppose application by local authorities for authority to supply electricity.

86.—(1) If any local authority, company, or person shall have applied before the passing of this Act or shall at any time after the passing of this Act apply for a Special Order under the principal Acts to authorise them to generate and supply electricity within any area situate in the area of supply, or to extend the limits of such applicants for the supply of electricity so as to include any area in the area of supply, or shall have applied before the passing of this Act, or shall at any time after the passing of this Act apply for an Order or Consent permitting them to supply electricity to premises within the area of supply, the Company shall not be entitled to oppose such application merely on the ground that they have under this Act the powers to supply electricity thereby conferred upon them, except so far as may be necessary in order to secure the insertion in such Order of clauses or amendments to protect their electric lines and works and with respect to any provisions which may be contained in such Order as to the taking over of any supply then being given by them. Provided that nothing in this Section shall prejudice the right of the Company to oppose any such application if the Company shall have entered into a binding agreement with the applicant to afford to the district or portion of district proposed to be supplied by the applicant a supply of electricity for the same purposes and to the same extent as is proposed by the applicant or shall have offered to enter into such an agreement on terms not less favourable than those on which the applicant proposes to provide such supply. Except in the case of an application by a local authority the provisions of this sub-section shall not apply until the expiration of one year from the date of the passing of this Act.

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(2) Nothing in this Act shall be deemed to authorise the Company to oppose any application which may be made by any authorised undertakers for any Provisional Special or other Order or any consent of any department or authority authorising or permitting such undertakers to break up streets or place and maintain electric lines and works in streets or to place electric lines above ground for the purpose of conveying electricity from one part of the area of supply of such undertakers to any other part thereof or for the purpose of enabling such undertakers to give a supply of electricity to or to receive a supply of electricity from any other authorised undertakers except so far as may be necessary in order to secure clauses or amendments in any such Order for the protection of works of the Company.

Supply and purchase of electricity in bulk.

87.—(1) The Company on the one hand and any local authority authorised to supply electricity whether within or beyond the area of supply or (with the approval of the Electricity Commissioners) any company body or person so authorised on the other hand may enter into and carry into effect contracts and agreements for the supply of electricity in bulk by the Company to such local authority company or person and such local authority company or person may use any electricity so supplied for the purposes of their undertaking.

(2) The Company and any local authority company body or person producing or supplying electricity whether within or beyond the area of supply may enter into and carry into effect contracts and agreements for the supply of electricity in bulk to the Company by such local authority company body or person.

(3) For the purpose of any such supply of electricity in bulk by or to the Company, the Company may both within and beyond the area of supply exercise any ancillary powers and acquire wayleaves under and subject to the provisions and conditions of Section twenty-two of the Electricity (Supply) Act, 1919.

Provided that nothing in this section shall authorise the Company to break or open up any roads outside the area of supply except for the purpose of linking up the main transmission lines of the Company with the mains of the Belfast Corporation or other authorised undertaker in order to give or receive bulk supplies of electricity under a scheme approved by the Electricity Commissioners.

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Agreements for supply of plant, etc.

88. The Company and any authorised undertakers or any company body or person to whom the Company are entitled to give a supply of electricity may enter into and carry into effect contracts agreements and arrangements for and with respect to all or any of the following matters (that is to say):—

The supply erection and maintenance by the Company to or for such authorised undertakers company body or person of plant fittings and materials for the transformation control measuring application and user of electricity.

The prices to be charged for and the terms and conditions of such supply erection and maintenance.

The execution or exercise by any such undertakers company body or person on behalf of the Company or by the Company on behalf of such undertakers company body or person of any works or powers relating to the supply or use of electricity.

Agreements with Government departments and others.

89. The Company on the one hand and any Government Department conservators proprietors trustees body or person interested in the waters of any lough river stream canal or navigation within the area of supply or any of them on the other hand may from time to time enter into and carry into effect contracts agreements and arrangements for and with respect to the construction laying down alteration maintenance repair and use of electric lines pipes jetties embankments works appliances and apparatus for the purposes of this Act on the bed banks and foreshore of any such lough river stream canal or navigation.

Agreements with railway companies for works.

90. The Company on the one hand and any railway company whose railway or any part thereof is situate within the area of supply on the other hand may enter into and carry into effect agreements for and in relation to the construction laying down alteration maintenance repair and use of works and electric lines for the purpose of this Act on along and across the railways bridges or other property belonging to the railway company.

Notice of discontinuance of supply for power or in bulk.

91. Any authorised undertakers company body or person being supplied with electricity by the Company for power or in bulk and desiring that the Company shall cease to give such supply shall give to the Company

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twelve months' notice in writing to cease giving the supply. Such notice shall be given so as to expire at or at any date after (but not before) the end of the period for which the authorised undertakers company body or person giving the notice have contracted to receive and pay for such supply.

Notice to discontinue supply of electricity.

92. A notice to the Company from a consumer for the discontinuance of a supply of electricity shall not be of any effect unless it be in writing signed by or on behalf of the consumer and left with or sent by post to the Company or be given by the consumer personally at the office of the Company.

Power to recover charge for reconnection.

93. Any expenses reasonably incurred by the Company in reconnecting any electric line or other work through which electricity may be supplied which may have been lawfully cut off or disconnected by reason of any default of the consumer may be recovered by the Company in like manner as expenses lawfully incurred by them in such cutting off or disconnecting.

Inspectors.

94.—(1) The Electricity Commissioners on the application of any authorised undertakers or person supplied with electricity by the Company under the powers of this Act may appoint and keep appointed one or more competent and impartial person or persons to be electrical inspectors under this Act and the Commissioners may prescribe the fees to be taken by any such inspector and the mode of application thereof and those fees shall be accounted for and applied as may be directed by the Commissioners.

(2) The Company shall whenever reasonably required by any local authority through whose district any main transmission line is laid test and furnish a record of the testing of the line passing through their district or (if necessary) the portion of the line which is within their district. In case the Company fail to comply with the provisions of this sub-section any such local authority may apply to the Electricity Commissioners to appoint an inspector for the purpose of testing such line and the foregoing provisions of this Section shall apply to the appointment of such inspector and the Company shall pay the cost of such testing.

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Cesser of Powers.

95. If within five years from the passing of this Act the Company have not in the opinion of the Electricity Commissioners substantially commenced their works for the purpose of carrying out their powers under this Act and have not provided a generating station or generating stations sufficient in the opinion of the Ministry of Commerce and are not in a position to supply electrical energy therefrom the Ministry of Commerce may order that the powers of the Company under this Act shall cease as to the whole or any part of the area of supply and on any such order being made those powers shall cease accordingly. If within seven years from the passing of this Act the Company have not provided an effective system of supply of electrical energy throughout its area of supply the Ministry of Commerce may at any time thereafter order that any of the powers of the Company under this Act shall cease as to the whole or any part of the area of supply and on any such order being made all or any of those powers shall cease accordingly.

PART VI. PROTECTIVE PROVISIONS.

For protection of Postmaster-General

96.—(1) Any electricity supplied under this Act to any company body or person shall not be used by the company body or person receiving such supply in such manner as to cause or be likely to cause any interference (whether by induction or otherwise) with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General or with telegraphic communication by means of such line. But this provision shall not apply to any such company body or person who are or is authorised to use electricity by Act of Parliament or by an Order confirmed by or having the effect of an Act of Parliament containing provisions for the protection of the telegraphic lines of the Postmaster-General against the use of electricity.

(2) Section fourteen of the Schedule to the Act of 1899 so far as it relates to the Postmaster-General shall apply to the construction or laying down under this Act of any works across or along any land railway canal or navigation whether below or above ground in like manner as it applies to the execution of works in under along or across any street or public bridge.

(3) Nothing in this Act shall prejudice or affect the rights of the Postmaster-General in relation to rail-

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ways or canals under the Telegraph Acts 1863 to 1926, or any agreement or award made thereunder or shall operate in such a manner as to interfere with or involve additional expense in the exercise of any such rights.

For protection of Fishery Interests.

97. For the protection of the Fishery Conservators and of the owners and lessees of fisheries in the Lower Bann River it is hereby declared that the reservoir in this Act referred to as Work No. 2 shall be regarded as part of the Lower Bann River and that all rights of fishing and navigation and of protection now vested in such Conservators and owners and lessees of fisheries with respect to the waters of the Lower Bann River between Portna and Carnroe shall extend to the whole area of such reservoir and furthermore the Conservators and their bailiffs and their officers shall have the right of access to the margin of the reservoir as if such margin constituted a bank of the River Bann.

For protection of the Irish Society and their lessees.

98. For the protection of the Honourable the Irish Society (in this section called "the Society") and the lessees and tenants for the time being of the Society's fisheries the following provisions shall unless otherwise agreed between the Company and the Society have effect (that is to say):—

(1) The Company shall (both during and after the construction of the works by this Act authorised or any of those works) take or cause to be taken all such precautions as the Society may reasonably require for the prevention of the pollution by the operations of the Company of the waters of the River Bann or any tributary of or stream flowing into that River (which tributaries or streams are hereinafter included in the expression "the said River") so as to be deleterious to fish salmon grilse peall smolts sea trout samlets parr and all other fish of the salmon kind and the ova spawn and fry thereof and the Company shall not discharge or allow to flow or be cast into the said River or on to the banks bed or shore thereof any solid or fluid material matter or thing which is poisonous or deleterious in any way to fish salmon grilse peall smolts sea trout samlets parr and all other fish of the salmon kind and

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the ova spawn and fry thereof whereby the water of the said River may be poisoned or polluted or the purity thereof impaired. If the Company neglect or fail to comply with the provisions of this sub-section they shall make full compensation to the Society and their lessees or tenants for any loss occasioned to them or any of them through such neglect or failure.

(2) Before constructing any works or any part thereof across over or under or on the banks bed or shore of the said River the Company shall submit for the approval of the Society plans and sections and the details of the mode and method of construction of any of the works to be so constructed so far as they or the construction of the said works affect the said River and shall not commence such construction or any part thereof until the approval of the Society shall have been signified in writing.

Provided that if the Society shall not within twenty-eight days after the submission to them of the said plans and sections and the details of the mode and method of construction of any of the specified works intimate in writing to the Company their requirements with reference thereto respectively they shall be deemed to have approved thereof.

Provided that all blasting and works affecting the bed and soil of the said river shall be executed inside a coffer dam and in such manner and at such times as may be reasonably approved by the Society and all water from the said coffer dam or coffer dams shall be pumped by the Company at its own expense on to dry land to such distance from the River as will permit of its return thereto unpolluted unimpaired in purity and harmless to fish salmon grilse peall smolts sea trout samlets parr and all other fish of the salmon kind and the ova spawn and fry thereof.

(3) In constructing or maintaining any works by this Act authorised which affect the said River the Company shall interfere as little as reason-

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ably practicable consistently with the proper exercise of the powers of this Act with the several fisheries of the Society or with the exercise of any of the fishing rights of the Society or of their said lessees or tenants and the Company shall also take all reasonable precautions to avoid impeding capturing destroying or disturbing the fish salmon grilse peall smolts sea trout samlets parr and all other fish of the salmon kind and the ova spawn and fry thereof of the said River. If the Company neglect or fail to comply with the provisions of this sub-section they shall make full compensation to the Society and their lessees or tenants for any loss occasioned to them or any of them through such neglect or failure.

(4) The Company shall provide construct and maintain at their own expense such fish passes fish ladders and eel and elver passes as shall be required by the Society to provide for the free and uninterrupted passage of fish salmon grilse peall smolts sea trout samlets parr and all other fish of the salmon kind both up and down such river and shall submit for the approval of the Society plans and sections of the said passes and ladders before the construction of the dam and weir is commenced and shall not commence such construction until the approval of the Society shall have been signified in writing. Provided that if the Society shall not within fourteen days after the submission to them of the said plans and sections (if any) and of the details of the mode and method of construction of any of the specified works intimate in writing to the Company their requirements with reference thereto respectively they shall be deemed to have approved thereof.

(5) The Company shall construct provide and maintain at their own expense efficient means of illumination of the said passes and ladders. The said means of illumination shall be controlled by a switch which switch shall be kept

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under lock and key and the key thereof shall be in the sole custody of the Society or their agents and no other person or persons whatsoever shall have access to the said switch save with the permission of the Society.

(6) The Company shall if required by the Society also construct or provide above and below the said Work No. 1 racks with openings not greater than two and a quarter inches for preventing the entry into the turbines or other works of the Company of fish of such a size as suffer or are likely to suffer injury when passing through the works of the Company.

(7) The Society or their lessees may employ two persons to watch the operations of the Company in connection with and during the construction of the Works Nos. 1 and 2 or any thereof to prevent during such period as aforesaid any poaching operations by workmen or employees of the Company or their contractors during the execution of such works and the reasonable expense of the employment of such persons so far as such expenses may be agreed or in case of difference determined as hereinafter provided to have been reasonably necessary shall be repaid to the Society or their lessees by the Company on demand.

(8) The Company shall at all times both during and after the construction of the works permit the officers and agents of the Society duly authorised in writing full and free access to all portions of the Company's works in on or under the banks bed and soil of the River Bann for the purpose of seeing that the provisions for the protection of the Society in this Act contained are being duly observed and followed in all particulars. A copy of the daily record mentioned in Section forty-three containing the figures relating to the preceding week shall be furnished once in every week by the Company to the Society or their lessees for the time being.

(9) By way of additional protection for the Society and their lessees for the time being the provisions contained in the fourth schedule to this

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Act shall be binding on the Company as if such provisions formed part of this Act.

(10) Any compensation to be paid by the Company to the Society or their lessees under the provisions of the foregoing sub-sections and any differences which may arise between the Company on the one hand and the Society or their lessees on the other hand shall in default of agreement be settled by a single arbitrator (who failing agreement between the parties) shall be appointed by the High Court of Justice in Northern Ireland and the said arbitrator shall have power to award costs.

(11) Nothing in this Act contained shall extend to prejudice diminish alter affect or take away any estate right title power or privilege of or enjoyed by the Society in or from the said River and the bed and soil of the same or in reference thereto or to the said fishery and except as is by this Act expressly provided this Act or anything herein contained shall not take away abridge prejudice or affect any of the estates rights powers or privileges of or enjoyed by the Society.

For protection of the owner of the Eel fisheries.

99. For the protection of the Earl of Shaftesbury and his Trustees or other the owner for the time being of the Eel Fisheries in the river Bann (in this section referred to as the owner) and of the Toome Eel Fishery Limited (lessees of such fisheries) the following provisons shall, unless otherwise agreed between the Company and the owner and lessees, have effect (that is to say):—

(1) The Company shall (both during and after the construction of the Works Nos. 1 and 2 by this Act authorised or any of those works) take or cause to be taken all such precautions as the owner and the Toome Eel Fishery, Limited, or either of them, may reasonably require for the prevention of any pollution by the operations of the Company of the waters of the river Bann or any tributary of or stream flowing into that river (which tributaries or streams are hereinafter included in the expression "the said river") to such extent as would be deleterious

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to eel or elvers or the eel fisheries of the owner or of the Toome Eel Fishery Limited. If the Company neglect or fail to comply with the provisions of this sub-section they shall make full compensation to the owner and the Toome Eel Fishery Limited for any loss occasioned to the owner or the Toome Eel Fishery Limited, through such neglect or failure.

(2) The Company shall provide construct and maintain at their own expense such eel passes, and ladders as shall be reasonably required by the Toome Eel Fishery Limited, to provide for the free and uninterrupted passage of eels and elvers both up and down such river and shall submit for the approval of the Toome Eel Fishery Limited plans and sections of the said eel passes and ladders before the construction of the dam and weir is commenced and shall not commence such construction until the approval of the Toome Eel Fishery Limited shall have been signified in writing. Provided that if the Toome Eel Fishery Limited shall not within fourteen days after the submission to them of the said plans and sections (if any) and of the details of the mode and method of construction of any of the specified works intimate in writing to the Company their objections with reference thereto respectively they shall be deemed to have approved thereof.

(3) The Company shall if required by the Toome Eel Fishery Limited provide above and below the said Work No. 1 racks with openings not greater than two and a quarter inches for preventing the entry into the turbines or other works of the Company of fish of such a size as suffer or are likely to suffer injury when passing through the works of the Company.

(4) The Toome Eel Fishery Limited by its servants and agents shall also have the right of access to the margin of the reservoir for all purposes connected with the Eel Fishery, and in particular the right of access to the eel passes to inspect same and to see that the proper quantity of water is passing over same, and otherwise that the same are in proper working order.

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(5) In constructing any works by this Act authorized which affect the said river the Company shall interfere as little as reasonably practicably consistently with the proper exercise of the powers of this Act with the Eel Fisheries of the owner and the Toome Eel Fishery Limited, or the exercise of any fishing rights of the owner and the Toome Eel Fishery Limited in respect of the Eel Fisheries, and the Company shall also take all reasonable precautions to avoid impeding, capturing, injuring or destroying the eels and elvers in the said river.

(6) The Company shall at the expiration of five years from the commencement of Work No. 1 pay to the Toome Eel Fishery Limited compensation for all damage caused to the Toome Eel Fishery Limited by the works or operations of the Company in the Lower Bann River either during the course of the construction of the Company's works and undertaking or after the works have been completed.

(7) Any dispute under this Section between the Company and the owner of the Toome Eel Fishery Limited shall be determined by a single arbitrator who (failing agreement between the parties) shall be appointed by the High Court of Justice in Northern Ireland.

(8) Any of the parties may make this reference to arbitration and any award made thereunder a rule of Court under the Common Law Procedure Act (Ireland), 1856.

For protection of Lower Bann Navigation Trustees.

100. Such additional expenses (if any) of and incident to the maintenance and conservancy of the Lower Bann Navigation as shall be necessary in consequence of and incurred by reason of the execution of the works in section forty-one of this Act mentioned and the interruption of the through Navigation of the Lower Bann Navigation as authorised by section fifty-five of this Act shall be borne and paid by the Company.

The Company shall pay to the Trustees of the Lower Bann Navigation compensation for such loss and damage if any as may be caused to the property of the Trustees

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of the Lower Bann Navigation by the execution or maintenance of any work by this Act authorised.

If the Company and the Trustees of the Lower Bann Navigation shall fail to agree upon the amount of such expenses or compensation (if any) the determination of the amount shall be referred to a single arbitrator who, failing agreement between the parties, shall be appointed by the High Court of Justice in Northern Ireland.

Either party may make this reference to arbitration and any award thereunder a rule of Court under the Common Law Procedure Act (Ireland), 1856.

For the protection of the County Councils of Londonderry and Antrim.

101. The following provisions for the protection of the County Councils of Londonderry and Antrim shall (except as otherwise agreed in writing between the Company and the County Council) have effect:—

(1) The Company shall provide to the satisfaction of an Engineer appointed by the County Council of Londonderry a pumping station in substitution for the existing pumping station for the water supply of the town of Kilrea. Such pumping station shall be connected with the springs from which the said water supply is at present taken and with the existing supply pipes and shall be of such capacity as to ensure a supply of water at least equal in quantity and quality to the existing water supply and shall be so constructed and equipped that the cost of maintenance shall not exceed the cost of maintenance of the existing pumping station.

(2) Any alteration that may be made under the provisions of this Act in connection with roads maintainable wholly or partly out of the local rates shall be completed to the satisfaction of the County Surveyor.

(3) All works shall be so executed as not to stop or impede or interfere more than is absolutely necessary in the opinion of the County Surveyor with the traffic over or along any such road bridge culvert or approach and the Company shall not without the consent of the County Surveyor open or break up at any time a greater consecutive length than four hundred and forty yards nor shall such openings or

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breakings up be carried out without leaving a clear space of a quarter of a mile between consecutive openings or breakings up unless with the like consent.

(4) If owing to the abandonment of the undertaking or any part thereof any mains pipes wires or other works laid in pursuance of the powers of this Act under any such road bridge culvert or approach shall for the space of one year be disused any such disuse be proved to the satisfaction of the Ministry of Commerce the said Ministry may if they think fit by order sanction the removal of such mains pipes wires or other works and the County Council may (subject however to any agreement between them and the Company) forthwith remove the same with all reasonable care and the Company shall pay to the County Council the reasonable cost of such removal and of the reinstatement of such road bridge culvert or approach in which the same were laid and if the Company fail to pay such cost within one month after the ascertainment of and application for the same the County Council may without any previous notice to the Company (but without prejudice to any other remedy they may have for the recovery of the amount) sell and dispose of the materials of the mains pipes wires and other works so removed either by public auction or private contract and for such sum or sums and to such person or persons as they think fit and may out of the proceeds of such sale pay and reimburse themselves the reasonable cost of such removal and reinstatement of such road bridge culvert or approach and the cost of the sale and the balance (if any) of the proceeds of the sale shall be paid over by the County Council to the Company.

(5) Any notice or demand served on the Company by the County Council or any of their officers may be forwarded by post in a registered letter addressed to the Company at their principal office and the date of such service shall be deemed to be the day next but one after the posting of such notice or demand.

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(6) If any difference shall arise between the County Council and the Company touching anything to be done or not to be done under the provisions of this section such difference shall be settled by an arbitrator to be appointed by the High Court of Justice in Northern Ireland on the application of either of the parties in difference and such Arbitrator shall have power to award Costs.

PART VII. MISCELLANEOUS.

Repeal of powers of the Belfast and North-East Ireland Electricity and Power-Gas Company.

102. As from the passing of this Act the powers of the Belfast and North East Ireland Electricity and Power-Gas Company with respect to the supply of electricity as conferred by the Belfast and North East Ireland Electricity and Power-Gas Act 1904 shall cease as to the Baronies of Coleraine and the north-east liberties of Coleraine in the County of Londonderry, and the Baronies of Lower and Upper Toome Lower and Upper Antrim Lower and Upper Belfast Carrickfergus Lower and Upper Massereene Upper Glenarm the parishes of Finvoy and Rasharkin in the Barony of Kilconway and the parish of Ballymoney in the Barony of Upper Dunluce in the County of Antrim.

Accommodation for workmen employed on construction works.

103.—(1) The Company shall erect fit up and maintain or provide—

(*a*) Such huts or buildings for the accommodation of the workmen employed in and about the construction of the specified works;

(*b*) Such hospital accommodation for the treatment of cases of sickness or accident among such workmen including accommodation for dealing with infectious diseases

as shall be reasonably necessary having regard to the accommodation available in the neighbourhood of or conveniently accessible from the specified works and shall provide and maintain proper and sufficient sanitary accommodation in connection with every such building and hospital.

(2) The Company shall pay all reasonable costs and expenses incurred in respect of the medical and surgical treatment of any workmen employed on the construction of the specified works who are treated in any hospital

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accommodation provided by them except in so far as such costs and expenses are payable under the provisions of the National Health Insurance Acts (Northern Ireland) 1911 to 1922 or otherwise.

(3) Any inspector of the Ministry of Home Affairs or other person authorised by them or the medical officer of Health of the dispensary district in which accommodation has been afforded shall be entitled at any time to enter into and inspect and examine any such building or hospital in order to ascertain that the same is provided with proper and sufficient sanitary arrangements and that overcrowding is not permitted therein. If such inspector or other person be obstructed in the performance of his duty under this sub-section the person so obstructing shall be liable on summary conviction to a fine not exceeding forty shillings.

(4) If the Company fail to arrange for the provision or maintenance of such buildings hospitals or accommodation in accordance with the provisions of this Section or to comply with any direction or requirement of the said Ministry of Home Affairs thereto they shall be liable to a penalty not exceeding twenty pounds and to a further penalty not exceeding five pounds for every day on which the offence is continued after conviction and such penalties may be recovered by the Ministry by action in the High Court or in the case of penalties not exceeding one hundred pounds before a court of summary jurisdiction.

Agreements with Government Departments.

104. The Company on the one hand and the Ministry of Finance the Ministry of Commerce or the Ministry of Home Affairs or any other Ministry of Northern Ireland on the other hand may enter into and carry into effect agreements for and with respect to the construction of the works and the exercise of the powers by this Act authorised or conferred upon the Company and the supply of electricity to any such Ministry or to any person on their behalf and the advancement of money to the Company by any such Ministry and the making of any financial and other arrangements for or in connection with any of the matters aforesaid or any of the purposes of this Act and upon such terms and conditions as the Company and any such Ministry may think fit.

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Purchase of Undertaking.

105. Save so far as the Ministry of Commerce (in this section referred to as "the Ministry") may on the application of the Company otherwise direct the following provisions shall apply and have effect (that is to say):—

(1) The Ministry with the consent of the Ministry of Finance may at any time within six months after the expiration of the fifty-ninth year from the passing of this Act or within six months after the expiration of any subsequent period of ten years by Notice in writing require the Company to sell to the Ministry of Commerce at the expiration of such period (not being less than one year nor more than three years from the date of the notice) as is mentioned in the notice so much of the undertaking of the Company as is for the time being used by the Company in connection with the appropriation diversion and user of water for the production of motive power and the generation of electricity thereby (including lands wayleaves and other easements buildings machinery works and apparatus of the Company used in so producing motive power and generating electricity and all main transmission lines as defined by the Electricity (Supply) Act 1919 belonging to the Company and used in connection with the part of the undertaking sold) and at the expiration of the period mentioned in the notice the Company shall sell the same to the Ministry and the Ministry shall purchase the same at the price hereinafter mentioned.

(2) The price to be paid shall be:—

(*a*) as respects so much of the part of the undertaking sold as consists of civil engineering works and other property of a permanent character (including land wayleaves and other easements dams watercourses and buildings) the capital expended thereon as shown by the audited accounts of the Company less one per centum for each year that has elapsed since the expiration of the tenth year from the passing of this Act with the addition to the amount so determined of a percentage of such

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capital expenditure ascertained in accordance with the following scale :—

If the purchase takes place—
in the sixty-first year from the passing of this Act ten per centum ;
in the sixty-second year therefrom nine and three-quarters per centum ;
in the sixty-third year therefrom nine and one-half per centum ;
and so on

(*b*) as respects so much of the part of the undertaking sold as consists of other works (including sluice-gates pipes turbines electric generators and other machinery and plant and main transmission lines) the capital expended thereon as shown by such audited accounts as aforesaid less the value of any physical deterioration which may be shown to have occurred therein :

Provided that the price to be paid for any work building or main transmission line shall in no case exceed the cost of the replacement thereof at the date of the notice of purchase and that the price to be paid under paragraph (*a*) of this sub-section for any work or building shall not exceed the capital expended thereon as shown by such audited accounts as aforesaid less the value of any physical deterioration that may be shewn to have occurred therein.

(3) If any question arises—

(*a*) as to the works or property to be included in the sale or the liabilities or obligations to be transferred to the Ministry of Commerce thereon as hereinafter in this Section mentioned or

(*b*) as to whether any property falls within the terms of paragraph (*a*) or the terms of paragraph (*b*) of sub-section (2) of this Section ; or

(*c*) as to the price to be paid to the Company for the part of the undertaking acquired by the said Ministry ; or

(*d*) as to any approval required to be given under sub-section (6) of this Section ;

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the question shall be determined by the arbitration of an arbitrator appointed by the High Court of Justice in Northern Ireland.

(4) On the completion of the purchase the part of the undertaking purchased shall vest in the Ministry of Commerce free from any debts or mortgages of the Company and all rights powers and authorities exercisable by the Company in relation to the part of the undertaking purchased (including the power of impounding regulating and controlling water) and all liabilities or obligations to which the Company may be subject under any contracts for the supply of electricity existing at the date of the notice referred to in sub-section (1) of this Section or generally in relation to the part of the undertaking purchased shall be transferred to and vest in the Ministry of Commerce.

(5) Nothing in this Section shall affect the part of the undertaking not included in the purchase or any power right authority obligation or liability of the Company to supply electricity other than liabilities and obligations of the Company under any such contract for the supply of electricity as is mentioned in the last preceding sub-section of this Section but no obligation of the Company under this Act to furnish a supply of electricity shall be enforceable against the Company after the completion of the purchase if and so far as the performance thereof is rendered impracticable in consequence of such purchase.

(6) Nothing in this Section shall place the Ministry of Commerce under any obligation to afford any supply of electricity otherwise than under a contract for the supply of electricity existing at the date of the said notice referred to in sub-section (1) of this Section: Provided always that no liability or obligation to which the Company may be subject under any contract for the supply of electricity shall be transferred to and vest in the Ministry under this Section unless any terms and conditions of such contract which are to be carried out

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after the expiration of the fifty-ninth year from the passing of this Act shall have been approved by the Electricity Commissioners. No such approval shall be unreasonably withheld and the Electricity Commissioners are hereby authorised to approve any such terms and conditions in any such contract accordingly.

Power to provide dredgers, etc.

106. The Company may provide purchase take on lease hire and use such steam or other dredgers eroders engines lighters or other vessels machinery and apparatus as they may think necessary for effecting the purposes of this Act and may let the same on hire for such sums and upon and subject to such terms and conditions as they may think fit or may sell or dispose of the same.

Power to deal in apparatus.

107. Subject to the provisions of this Act the Company may acquire and use or may sell let on hire erect and maintain or may otherwise dispose of electric and other dynamos cables conductors services wires transformers fittings lamps and any other machinery apparatus and appliances necessary or useful in connection with the supply of electricity.

Exemption from distress of articles on hire.

108. No articles or things let on hire by the Company shall be deemed to be landlords' fixtures or be subject to distress or to the landlords' remedy for rent or be taken in execution under any process of any court or any proceedings in bankruptcy against the person in whose possession the same may be. Provided that such articles and things have upon them a distinguishing metal plate affixed on or to a conspicuous part thereof or are marked or impressed with a sufficient mark or brand indicating the Company as the actual owners thereof.

Power to hold patent rights.

109. The Company may acquire and hold patent and other rights and licences (not being exclusive) in relation to the generation or use of electricity for the purposes of this Act.

References to arbitration.

110. Where under this Act any question or dispute is to be referred to arbitration then unless other provision is made the reference shall be to an arbitrator agreed on between the parties or failing agreement appointed by the Ministry of Commerce and the expenses of the

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arbitration shall be defrayed as the arbitrator may direct. The award of the arbitrator may also be made a rule of Court on the application of either party under and in accordance with the Common Law Procedure Amendment Act (Ireland) 1856 or any statutory modification thereof.

Inquiries by Ministry of Home Affairs

111.—(1) The Ministry of Home Affairs may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred on them or the giving of any consents under this Act and their inspectors shall for the purposes of any such inquiry have all such powers as they have for the purpose of inquiries directed by that Ministry under the Public Health (Ireland) Act 1878.

(2) The Company shall pay to the Ministry of Home Affairs any expenses incurred by that Ministry in relation to any inquiries referred to in this Section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Ministry not exceeding five guineas a day for the services of such inspector.

Provisions as to general Acts.

112. Except as is by this Act expressly provided nothing in this Act shall exempt the Company or their undertaking from the provisions of or deprive the Company of the benefits of any general Act relating to electricity or to the supply of or to the price to be charged for electricity which has been already passed or which may be passed after the passing of this Act.

Copy of Act to be registered.

113.—(1) The Company shall deliver to the Registrar of Joint Stock Companies for Northern Ireland a printed copy of this Act and he shall retain and register the same and if such copy is not so delivered within three months from the passing of this Act the Company shall incur a penalty not exceeding two pounds for every day after the expiration of those three months during which the default continues and any director or manager of the Company who knowingly and wilfully authorises such default shall incur a like penalty. Every penalty under this section shall be recoverable summarily.

(2) There shall be paid to the registrar by the Company on such copy being registered the like fee as is for the time being payable under the Companies

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(Consolidation) Act, 1908 on registration of any document other than a memorandum of association or the abstract required to be filed with the registrar by a receiver or manager.

Recovery of penalties.

114. Save as is otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act or in any incorporated enactment may be prosecuted and recovered in a summary manner. Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Recovery of demands.

115. Proceedings for the recovery of any demand made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in a court of summary jurisdiction in manner required by the Petty Sessions (Ireland) Act 1851 or in any Court of competent jurisdiction or may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

Costs of Act.

116. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

THE SCHEDULES REFERRED TO IN FOREGOING ACT.

FIRST SCHEDULE.

LANDS WHICH MAY BE TAKEN COMPULSORILY FOR GENERATING STATION, ROADS AND OTHER USES.

(*a*) A strip of land in the townlands of Carranroe and Tamlaght in the rural district of Coleraine in the County of Londonderry extending in a south-westerly direction from the lands (*b*) next hereinafter described to the road leading from Kilrea to Coleraine and having a width of about 130 yards.

(*b*) A plot of land situate on the left bank of the River Bann in the said townlands of Carranroe and Tamlaght and extending along that river from a point about 250 yards southwards of the boundary between the said townlands to a point about 40 yards northwards of the existing Carnroe Weir, and having an average width of about 170 yards.

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(c) A plot of land situate on the right bank of the River Bann in the townland of Vow in the rural district of Ballymoney in the County of Antrim extending along that river between points situate respectively about 150 yards northwards and 600 yards southwards of the southern gates of the existing Carnroe Lock and having a width varying from about 150 to about 700 yards.

THE SECOND SCHEDULE.

PROPERTIES OF WHICH PORTIONS ONLY MAY BE TAKEN COMPULSORILY.

Rural District.	Townland.	Nos. on Deposited Plans.
Ballymoney	Artnagross	6
Same	Moore Lodge	3
Same	Ballymaconnelly	14
Same	Same	19
Same	Same	42
Same	Same	44
Same	Same	53
Same	Same	54
Same	Same	63
Same	Culmore	148
Same	Same	178
Same	Same	180

THE THIRD SCHEDULE.

MAXIMUM PRICES.

In this schedule—

The expression "unit" means the energy contained in a current of one thousand amperes flowing under an electro-motive force of one volt during one hour;

The expression "kilovolt ampere" means the current in amperes actually used multiplied by the declared pressure of supply in volts and divided by one thousand;

The expression "consumer" means any authorised undertaker local authority company body or person supplied by the Company with electricity under the powers of this Act.

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PART I.

Maximum rates for a supply of electricity in bulk or for power—

(*a*) A sum of six pounds per kilovolt ampere per annum of the maximum power required to be supplied to the consumer and in addition

(*b*) a sum of three halfpence per unit for all units supplied to such consumer.

PART II.

A maximum rate for a supply of electricity for lighting purposes where the consumer is charged by the actual amount of energy supplied to him for such purposes

For Each Unit Sixpence.

Provided that the Company may make a minimum charge of ten shillings (exclusive of meter rental) if energy to the value of that amount is not actually consumed in any quarter.

Where the Company charge a consumer by the electrical quantity contained in the supply given to him they shall be entitled to charge him according to the rate set forth above and the amount of energy supplied to the consumer shall be taken to be the product of that electrical quantity and the declared pressure at the consumer's terminals that is to say such a constant pressure at those terminals as may be declared by the Company under any regulations made under the principal Acts.

THE FOURTH SCHEDULE.

PROVISIONS REFERRED TO IN SECTION 98, SUB-SECTION 9.

1. The Company shall provide within the limits of deviation at their own expense to the satisfaction of the Society a salmon hatchery and pools in substitution for the present salmon hatchery and capable of hatching three million salmon ova per annum. Such hatchery shall be erected on a site to be approved by the Society and upon its completion and prior to the completion of Work No. 1 shall be handed over to the Society free of rent or other incumbrance.

2. The Company shall pay £1,000 per annum to the Society or its lessees for the time being for the purposes of purchasing salmon ova in every year during the years of construction of Works Nos. 1 and 2 or any part thereof and for ten years after the completion of the same such moneys to be expended to supplement the monies now expended by the Society or its lessees in the purchase of salmon ova.

3. The Company shall pay £400 per annum to the Society or its lessees for the time being for the purpose of providing extra watchmen for the protection of the salmon fisheries during every year of the construction of Works Nos. 1 and 2 or any part thereof and for ten years after the completion of the said works.

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4. The average catch of the River Bann for the purposes of the provisions of this Schedule shall be deemed to be 14,000 fish per annum and the said average catch shall be valued at £1 (one pound) per fish.

5. The Company shall make good to the lessees for the time being in each year during the years of construction of Works Nos. 1 and 2 and for every year for ten years thereafter any deficiency in the annual catch during the said period by payment of a sum to be calculated at the rate of £1 (one pound) for each fish in the number representing the deficiency as compared with the average catch calculated as in paragraph 4 hereof.

6. For the purposes of this schedule the average annual rent received by the lessees in respect of angling privileges in the said river shall be deemed to be the sum of £1,300 per annum.

7. The Company shall make good to the lessees yearly and in every year during the period of construction of the said Works Nos. 1 and 2 and for ten years after the completion thereof any loss which the lessees for the time being may sustain by reason of the reduction of their receipts in respect of the said angling rights and privileges.

8. If in any year the receipts in respect of annual catch or angling rights and privileges exceed the said averages in clauses 4 and 6 hereinbefore mentioned the Company shall not be entitled to set off the same against any deficiency in such receipts in any other year but the deficiency in any year shall be made good in manner aforesaid by the Company irrespective of any excess as herein mentioned.

9. On the expiration of ten years from the date of the completion of Works Nos. 1 and 2 the Company shall pay to the Society a sum to compensate them in respect of the permanent impairment (if any) of the River Bann as a salmon fishing river such payment to be calculated on the basis of twenty years' purchase of three-fifths the difference between the average catch and average receipts in respect of angling over the period constituting the time of construction and ten years thereafter and the average catch and average annual rent as defined in paragraphs 4 and 6 hereof, such deficiency in catch to be calculated at the rate of £1 (One pound) per fish. Provided that the total capital sum payable in respect of the matters set forth in this paragraph shall not exceed the sum of Sixty thousand pounds.

10. The Company shall one month at least prior to the commencement of Works Nos. 1 and 2 or any part thereof deposit in the joint names of the Company and the Society with a banking company in Northern Ireland to be nominated by the Society the sum of £60,000 or shall otherwise secure the payment of the said sum to the satisfaction of the Society and such sum shall remain deposited or secured throughout the period of construction and ten years thereafter and until such times as all claims and demands of the Society against the same shall have been discharged and when in default of agreement the sum payable is fixed by an arbitrator under section ninety-eight sub-section 10 the Society may upon production of the award of such arbitrator draw out upon their own common seal such sum as may have been awarded.

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11. The said deposit of £60,000 shall be invested in the joint names of the Company and the Society in securities to be approved of by the Society and the annual interest thereof shall be applied in the discharge of the yearly payments hereinbefore provided for and any balance of interest after the discharge of the said yearly payments shall be paid over to the Company. The said yearly payments shall be made on or before the first day of November in each year.

12. The Company shall pay to the general agent in Ireland of the Society, William Aubrey Lane Esquire, the sum of Two thousand five hundred pounds within six weeks of the passing of this Act.

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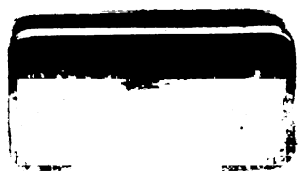

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